# JOURNAL

OF THE

# House of Representatives

OF THE

# STATE OF ALABAMA

# FOURTH EXTRAORDINARY SESSION OF 1975

HELD IN THE CITY OF MONTGOMERY, ALABAMA,
COMMENCING MONDAY, NOVEMBER 3, 1975

WITH AN INDEX PREPARED BY THE
CLERK OF THE HOUSE

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# JOURNAL
## OF THE
# HOUSE OF REPRESENTATIVES
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# STATE OF ALABAMA
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FIRST DAY

House of Representatives
Montgomery, Alabama
Monday, November 3, 1975

Be it remembered that on the eleventh day of October, His Excellency, George C. Wallace, Governor of the State of Alabama, issued his proclamation convening the Legislature in extra session in words and figures as follows, to-wit:

STATE OF ALABAMA
PROCLAMATION
BY THE GOVERNOR

WHEREAS, there exists an extraordinary occasion in the State of Alabama which demands the convening of the Legislature of Alabama in extraordinary session as prescribed by Article 5, Section 122 of the Constitution of Alabama of 1901:

NOW, THEREFORE, I, George C. Wallace, as Governor of the State of Alabama, do hereby proclaim and direct that the Legislature of the State of Alabama convene in extraordinary session at the Seat of Government at the State Capitol in Montgomery, Alabama, at 6:00 P. M., Monday, November 3, 1975, and I do hereby designate the following subjects and matters to be considered and acted upon by said Legislature in extraordinary session assembled:

1. Legislation to make appropriations for the support of public education in the State of Alabama.

2. To enact legislation relative to workmen's compensation, to amend Section 259, subsection (d) of Section 262, Section 263, Section 272, Section 279, Section 283, Section 289, Section 293, Section 299, Section 312, all being of Chapter 5, Title 26, Code of Alabama 1940, as amended, Sections 7, 13, and 17 of Act Number 180, adopted at the 1951 Regular Session of the Legislature of Alabama, as amended, Sections 6, 12, and 16 of Act Number 521, adopted at the 1967 Regular Session of the Legislature of Alabama, as amended, and Sections 6, 12, and 16 of Act Number 668, adopted at the 1971 Regular Session of the Legislature of Alabama, as amended, relating to extraterritorial coverage of employees subject to the workmen's compensation laws of Alabama, providing compulsory coverage for employers who do not regularly employ less than three employees, extending immunity from suit by employees to other employees of the employer, to the employer's workmen's compensation insurance carrier and to certain persons or unions making safety inspections, defining permanent total disability and extending

benefits for permanent total disability for the duration of the disability, fixing the employer's and the second injury trust fund's liability in the event a second injury produces permanent total disability, permitting credit for the payments of benefits for temporary total disability against the compensation payable for permanent partial disability resulting from an unscheduled injury only, providing for vocational rehabilitation under certain circumstances, establishing the effect of the procurement of gainful employment on permanent total disability benefits, increasing the percentage of a decedent's employee's average weekly wages to which one dependent is entitled, fixing the minimum weekly benefit at 25% of the average weekly wage of the state as determined by the director of industrial relations and the maximum weekly benefit at 66-2/3% of such average weekly wage, and providing for certain periodic changes in the minimum and maximum weekly benefit and the total amount of compensation payable, eliminating any time or dollar limit for compensable medical expenses and giving an employee the right to reject the first two physicians selected by the employer, establishing the effect of the recovery of damages from a third party by an employee suffering a permanent total disability, permitting lump sum payments of compensation with commutation upon approval of the court and by agreement of the parties and amending the acts providing for compensation for occupational pneumonoconiosis, occupational exposure to radiation, and certain occupational disease to make the amendments described above applicable to those acts, all relating to the statutory plan for the compensation of employees for job-related injuries and certain illnesses and diseases.

3. To enact local legislation relative to the funding of the Jefferson County Health Department; and the Jefferson County Transit Authority established pursuant to Act Number 993, H. 1089, Acts of Alabama, 1971 Regular Session, Page 1787, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused the Great Seal to be affixed, and have caused this proclamation to be attested by the Secretary of State, at the Capitol, in the City of Montgomery, on this the 11th day of October, 1975.

GEORGE C. WALLACE,
Governor.

ATTEST:
MRS. AGNES BAGGETT
Secretary of State

AMENDMENT TO PROCLAMATION
BY THE
GOVERNOR

WHEREAS, by Proclamation issued on the 11th day of October, 1975, I did convene the Legislature of Alabama in Special Session and did designate specifically certain matters concerning which I deemed action to be necessary; and

WHEREAS, I deem it necessary to amend said Proclamation to include another matter concerning which I deem action to be necessary:

NOW, THEREFORE, I, George C. Wallace, as Governor of Alabama, under the authority vested in me by the Constitution of Alabama, do hereby amend the Proclamation issued by me on the 11th day of October, 1975, convening the Legislature in Special Session, and

specifically amend said Proclamation by adding, as additional items and subjects, the following:

4. Legislation to equalize the benefits payable under the Employees' Retirement System of Alabama and the Teachers' Retirement System of Alabama; to provide members of the Employees' Retirement System with up to four years military credit and full retirement after thirty years of service, regardless of age, as has been previously granted members of the Teachers' Retirement System; to provide members of the Teachers' Retirement System retirement benefits based upon a final average compensation calculated upon the three highest of the last ten years of service, which has been previously granted members of the Employees' Retirement System; to provide for an increase in certain member contributions in order to insure future soundness and stability of the funds administered by the Retirement Systems of Alabama; and to provide for a long term decrease in the employer cost of funding said retirement systems and to provide that no appropriation is needed or required to implement the provisions of this Act.

IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused the Great Seal to be affixed, and caused the Secretary of State to attest this amendment to said Proclamation at the Capitol, in the City of Montgomery, on the 3rd day of November, 1975.

GEORGE C. WALLACE,
Governor.

ATTEST:
MRS. AGNES BAGGETT
Secretary of State

In pursuance whereof, at the hour of 6 o'clock p.m., on Monday, the third day of November, 1975, the Representatives in the Legislature of Alabama assembled in the Hall of the House of Representatives.

PRAYER

The session was opened with prayer by the Reverend Chester H. Jernigan, Pastor, Forest Park Baptist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—104

A quorum was present.

## RESOLUTIONS

The following resolutions were introduced:

By Mr. Crowe:

H. R. 1. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Clerk of the House notify the Senate that the House is now in session and is ready for the transaction of public business.

On motion of Mr. Crowe, the rules were suspended and the resolution, H. R. 1, was adopted.

Also:

By Mr. Crowe:

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and two members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Mr. Crowe, the rules were suspended and the resolution, H. J. R. 2, was adopted.

## COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House pursuant to the resolution, H. J. R. 2, Messrs. Clark, Hines and Rich.

Also:

By Mr. Crowe:

H. J. R. 3. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 6:30 P. M. on November 3, 1975 for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House, to be named by the Speaker of the House, and a committee of two from the Senate, to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

On motion of Mr. Crowe, the rules were suspended and the resolution, H. J. R. 3, was adopted.

## COMMITTEE ADOPTED

The Speaker appointed as a committee on the part of the House pursuant to the resolution, H. J. R. 3, Messrs. Clark, Hines and Rich.

Also:

By Mr. Crowe:

H. J. R. 4. SUSPENDING S. J. R. 13, THIRD SPECIAL SESSION 1975.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That S. J. R. 13, Third Special Session, 1975, is hereby suspended and declared inoperative during the Fourth Special Session of the Alabama Legislature, 1975, which commenced on November 3, 1975.

On motion of Mr. Crowe, the rules were suspended and the resolution, H. J. R. 4, was adopted.

Yeas 76; Nays 9.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glas, Greer, Harris, Higginbotham, Hines, Holley, Holmes, Jackson (F), Johnson, Johnstone, Kelley, Killian, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Taylor, Teague, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—76

*Nays:*

Messrs.: Boles, Folmar, Hopping, Howard, Leonard, McNair, Malone, Naramore and Trammell.

—9

## MESSAGE FROM THE SENATE

Mr. Speaker:

I am directed by the Senate to notify you that the Senate is now in session and ready for the transaction of public business.

McDOWELL LEE,
Secretary.

## JOINT SESSION

The Senate and House of Representatives of the Legislature of Alabama met in joint session in the Hall of the House of Representatives for the purpose of hearing an address by the Honorable George C. Wallace, Governor of the State of Alabama.

The joint session was called to order by Honorable Jere Beasley, Lieutenant Governor and Presiding Officer of the Senate.

Thereupon, Honorable George C. Wallace, Governor of the State of Alabama, delivered his address to the Members of the Alabama Legislature.

The Lieutenant Governor and Presiding Officer of the Senate announced that the purpose of the joint session having been accomplished, the Senate would retire to its Chamber.

## HOUSE RECONVENED

Following the joint session, the House reconvened. The Speaker called the House to order.

## INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Messrs. Ford and Taylor (With Notice and Proof):

H. 1. To create a board of trustees of the policemen and firemen's retirement fund of the City of Gadsden, Alabama to provide for the composition of said board; to provide for a secretary-treasurer of said board and custodial care of such funds; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amounts payable to widows or dependents; and to provide appeals from any decision of said board.

Local Legislation No. 1.

Notice and Proof H. 1:

STATE OF ALABAMA
COUNTY OF ETOWAH

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To create a board of trustees of the policemen and firemen's retirement fund of the City of Gadsden, Alabama to provide for the composition of said board; to provide for a secretary-treasurer of said board and custodial care of such funds; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amounts payable to widows or dependents; and to provide appeals from any decision of said board.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to the City of Gadsden, Alabama.

Section 2. There is hereby created, in connection with the regularly organized and paid police department and fire department of the City of Gadsden, a board of trustees of the policemen and firemen's retirement fund. Such board shall be known and called the Board of Trustees of the Policemen's and Firemen's Retirement Fund of the City of Gadsden. The board of trustees shall be constituted and selected as hereinafter provided and directed; and in each city to which this act applies there is also created a policemen's and firemen's retirement fund for the benefit of persons hereinafter named, to be derived and raised in the manner hereinafter provided. The policemen's and firemen's retirement fund of the City of Gadsden and the board of trustees of such fund shall, after this act becomes law, be governed by this act, and such fund shall be managed and controlled by a board of trustees conforming to this act.

Section 3. The board of trustees of the policemen's and firemen's retirement fund shall be composed of seven members consisting of the Commissioner of Public Safety of the City of Gadsden who has supervision over the police and fire departments who shall be chairman of the Board of Trustees; the Mayor of the City of Gadsden; the Commissioner of Public Works of the City of Gadsden; the chief of the police department, the chief of the fire department; one first-class patrolman of the police department to be elected for a four year term within thirty (30) days after the enactment of this act by a simple majority vote of the police department; and one first-class fireman to be elected for a four year term within thirty (30) days after the enactment of this act by simplemajority vote of the fire department; all of whom shall serve without comppensation. In the event of a vacancy in either of the latter two positions, the successor or successors shall be elected in the same manner within thirty (30) days after the occurrence of such vacancy.

All proposed rules and regulations by the board of trustees necessary to carry into execution the purposes for which it was organized and created shall be posted in all police and fire stations in the City of Gadsden at least ten (10) days before said trustees shall consider or take action either in favor or against said rules and regulations.

Section 4. The board of trustees, if it so elects, and with the approval of the governing body of said city, shall have the power and authority to appoint a secretary-treasurer of said board who shall serve at the pleasure of said board and who shall receive as compensation for his services the sum of twenty-five ($25.00) dollars per month or such other amount of compensation as the board of trustees shall provide by majority vote and shall be approved by the governing body of said city, to be paid on the first day of each month by warrant drawn in like manner as other warrants on such fund. The secretary-treaturer of the board of trustees is hereby made, and it shall be his duty to be the custodian of all monies belonging to the policemen's and firemen's retirement fund, and all monies belonging to such fund, and all money or other property belonging to any similar fund now or hereafter maintained in any city to which this act applies shall be promptly paid to him. The said secretary-treasurer shall also be custodian of all securities and things of value belonging to such fund. The secretary-treasurer shall before taking office, make bond in a sum to be fixed from time to time by resolutions of the governing body of the city, to be approved by the chairman of the board of trustees in a surety company authorized to do business in Alabama for the faithful performance of the duties imposed upon him under this subdivision, and for the faithful accounting of all monies, and things of value which may come into his hands, as such treasurer of such fund, and he shall keep a separate account thereof, which shall at all times show the true condition of such fund. Upon the resignation or removal from office of such secretary-treasurer he shall surrender and deliver up to his successor all bonds, securities, and all unexpended monies or other properties which may have come into his hands as treasurer of such fund. It shall be the duty of the secretary-treasurer of said board to keep, in a book provided for that purpose, a full and complete record of all proceedings of the board of trustees, and he shall perform such other duties as may be assigned to him by the board of trustees.

Notwithstanding anything to the contrary in this act, the board of trustees, with the approval of the governing body of said city, may elect by majority vote to allow any insurance company or financial institution of its choice to exercise custodial care thereof, and make investments with, all monies in said retirement fund; and provided further that any such delegation of custodial care shall not become effective until written

notice of such delegation is posted in all police and fire stations of said city, and after ten (10) days notice thereof an election is held in each of said departments, in which election a simple majority of the contributing members, by secret ballot, vote in favor of such delegation. Custodial care of said retirement fund, if delegated to an insurance company or financial institution, shall obligate the custodian as follows:

1. To accept fiduciary responsibility for said fund.

2. To prepare for the board of trustees, upon demand, a report on the financial condition of said fund.

3. To provide benefits for the members of the policemen's and firemen's retirement fund, as agreed upon by such custodian and the board of trustees of said fund.

Section 5. The board of trustees of the policemen's and firemen's retirement fund is hereby declared to be the trustee of the policemen's and firemen's retirement fund and shall have the exclusive management and control thereof, and all matters legitimately connected therewith. The board of trustees shall have the power to recommend such rules and regulations as may be necessary to enable it effectively and properly to carry into execution the purposes for which it was organized and created, and to enable it properly to manage and conduct the business entrusted to it, provided such rules and regulations shall in no way contravene the provisions of this act; and provided further that such rules and regulations so recommended shall not become effective until written notice of such recommendations is posted in all police and fire stations of said city, and after ten (10) days notice thereof, an election is held in each of said departments, in which election a simple majority of the contributing members in each of said departments, by secret ballot, vote in favor of such recommendations. The board of trustees shall hear and decide all applications for pensions or relief under this act and its decisions shall be final except for an appeal as hereinafter provided. The said board of trustees shall meet whenever the chairman thereof or a majority of the board of trustees shall call a meeting of such board.

This section of the act shall be considered subordinate to Sections 2 and 4 and those sections shall prevail.

1. Upon the recommendation of the Commissioner of Public Safety of the City of Gadsden and with the approval of the governing body of said city by ordinance, charges shall be made as follows and all revenues derived therefrom shall be paid into the policemen's and firemen's retirement fund:

(a) A $5.00 court cost shall be added on all cases resulting in conviction in the recorder's court of said city to which this act applies.

(b) A $3.00 fee shall be charged for all fire reports and forms; and additional $1.50 per picture requested by any insurance firm or individual other than the news media and other fire departments or their representatives shall be charged. Rent and paper for the machine shall be charged to the fund.

(c) A $3.00 fee shall be charged on all identification pictures, report copies, and fingerprints requested from the police department. This fee shall not be charged or collected from law enforcement agencies when obtaining pictures, report copies and fingerprints for use in law enforcement.

(d) All seized or unclaimed property impounded by said city police department to which this act applies and sold after a period of one year, at public auction.

(e) All motor vehicles impounded by said city police department to which this act applies shall have a minimum of $5.00 as impounded fee attached, including a $1.00 per day storage fee to be collected by the city.

(f) All impounded motor vehicles not claimed or transferred back to the owner within 90 days will be auctioned to the public.

(g) Upon approval of said governing body all city facilities, buildings, property and concessions upon availability shall be open to the use of the fire and police department's pension committee to have benefits and other funds raisings at actual cost.

(h) Ten percent (10 per cent) of the monthly salaries of each member of the police and the fire deportments, shall be paid by the city clerk to the secretary-treasurer of the board of trustees on the first day of each month; and said 10 per cent of such salaries shall be deducted from the salaries paid each member. The governing body of said city to which this act applies shall cause to be paid into the policemen's and firemen's retirement fund, out of the treasury of the city, beginning January 1, 1976, an amount equal to 15.68 per cent of the salary of each member of such police and fire departments who contributes to said fund, and such payment shall be made as and when such salary becomes payable and deduction therefrom is made as provided in this section. After the effective date of this act, the governing body of said city, upon recommendation of the Commissioner of Public Safety, in order to maintain the financial stability of said fund, by ordinance, may increase the contributions be employee and employer into said retirement fund.

(i) The city shall pay an amount equal to 15.68 per cent as long as the police and fire departments are not covered by social security.

(j) In the event the City of Gadsden levies a tax on fire and burglary insurance premiums, the proceeds of such tax shall be earmarked for the policemen's and firemen's pension fund.

(k) The City of Gadsden shall be responsible for the financial stability of said fund, and in order to fulfill that responsibility the city governing body, upon recommendation of the Commissioner of Public Safety, is hereby authorized, by ordinance, to take whotever steps it deems necessary to obtain additional revenue to insure the financial stability of said funds.

Section 6. The policemen's and firemen's retirement fund shall consist of the following:

1. All of the money, securities, and things of value belonging to any similar fund that may now or hereafter be maintained in the City of Gadsden.

2. All monies or properties that may be given or donated to said fund by any persons, firm association, or corporation for the uses and purposes for which said fund is created; and said board may take, by gift, grant, devise, or bequest, any money, personal property, real estate, or any interest therein, or any right of property, for the benefit of said fund.

3. All reward money paid to any member of the police and fire departments of said city shall be paid by the recipients of the same into said retirement fund promptly upon receipt of the same.

4. All civil or criminal witness fees received by any member of the police and fire departments for attendance at or before any court or

grand jury in Etowah county wherein the city employing them is located shall be paid into said retirement fund promptly upon the receipt of such fees by the recipients of the same.

5. The city clerk of all cities to which this act applies shall cover into said fund all seizure fees collected by the city in cases involving violation of the prohibition laws since the 1st day of February 1946, and all such fees hereafter collected by the city.

6. Upon the recommendation of the Commissioner of Public Safety of the City of Gadsden and with the approval of the governing body of said city by ordinance, charges shall be made as follows and all revenues derived therefrom shall be paid into the policemen's and firemen's retirement fund:

(a) A $5.00 court cost shall be added on all cases resulting in conviction in the recorder's court of said city to which this act applies.

(b) A $3.00 fee shall be charged for all fire reports and forms; an additional $1.50 per picture requested by any insurance firm or individual other than the news media and other fire departments or their representatives shall be charged. Rent and paper for the machine shall be charged to the fund.

(c) A $3.00 fee shall be charged on all identification pictures, report copies, and fingerprints requested from the police department. This fee shall not be charged or collected from law enforcement agencies when obtaining such pictures, report copies, and fingerprints for use in law enforcement.

(d) All seized or unclaimed property impounded by said city's police department and sold after a period of one year, at public auction.

(e) All motor vehicles impounded by said city's police department shall have a minimum of $5.00 as impounded fee attached, including a $1.00 per day storage fee to be collected by the city.

(f) All impounded motor vehicles not claimed or transferred back to the owner within 90 days will be auctioned to the public.

(g) Upon approval of said governing body all city facilities, buildings, property and concessions upon availability shall be open to the use of the fire and police departments' pension committee to have benefits and other fund raisings at actual cost.

(h) Ten percent (10 percent) of the monthly salaries of each member of such police and fire departments, which shall be paid by the city clerk to the secretary-treasurer of said board of trustees on the first day of each month; and said 10 per cent of such salaries shall be deducted from said salaries paid each member. The governing body of the said city to which this act applies shall cause to be paid into the policemen's and firemen's retirement fund, out of the treasury of the city, beginning January 1, 1976, an amount equal to 15.68 per cent of the salary of each member of such police and fire department who contributes to said fund, and such payment shall be made as and when such salary becomes payable and deduction therefrom is made as provided in this section. After the effective date of this act, the governing body of said city, upon the recommendation of the Commissioner of Public Safety, in order to maintain the financial stability of said fund, by ordinance, may increase the contributions by employee and employer into said retirement fund.

(i) The city shall pay an amount equal to 15.68 per cent as long as the police and fire departments are not covered by social security.

(j) In the event the City of Gadsden levies a tax on fire and burglary insurance premiums, the proceeds of such tax shall be earmarked for the policemen's and firemen's pension fund.

(k) The City of Gadsden shall be responsible for the financial stability of said fund, and in order to fulfill that responsibility the city governing body, upon recommendation of the Commissioner of Public Safety, is hereby authorized, by ordinance, to take whatever steps it deems necessary to obtain additional revenue to insure the financial stability of said funds.

Existing funds and property belonging to or part of any existing similar fund in said city to which this act applies and hereby brought under this act shall be hereafter governed by the provisions of this act, shall be held and administered, used and governed, and transferred and covered into the policemen's and firemen's retirement fund as provided herein, immediately upon this law becoming effective.

Section 7. The board of trustees of the policemen's and firemen's retirement fund may, at any time, with the approval of the governing body of said city employing such policemen and firemen, after considering the probable demands upon such fund in the near future, determine what portion of such fund may be safely withdrawn for investment for revenue purposes, and having determined what portion thereof shall be so withdrawn for that purpose, said board of trustees shall then determine in what manner such investment shall be made, and all proceedings of said board of trustees relating thereto shall be entered at length upon its records. Such investment shall only be by purchase of the interest bearing bonds of the United States of America, or in any stock, security, investment, or deposit which is guaranteed by the United States Government or any of its instrumentalities; provided, however, the board may by majority vote elect to invest up to forty percent (40 percent) of the total assets of the pension fund in such classes of bonds, mortgages, common and preferred stock or other investments as are allowed by the laws of Alabama to domestic life insurance companies, or by a majority vote of policemen and firemen up to 100 percent of said fund may be invested in any sound financial institution to include insurance companies or bank or trust companies. All income from such investments shall be and become a part of said policemen's and firemen's retirement fund. All such securities shall be deposited with the secretary-treasurer of the board of trustees, and shall be subject to the management and control of said board of trustees of the policemen's and firemen's retirement fund.

This section of the act shall be considered subordinate to Section 4 and Section 4 shall prevail.

Section 8. The board of trustees or custodian of funds designated by said board shall make a monthly report to the governing body of said city employing such policemen and firemen concerning the condition of such policemen's and firemen's retirement fund. The said board of trustees shall keep minutes of every meeting in a well bound book designed for that purpose which said minute book shall be available to any contributing member of said police department or fire department on his request. Each six months said board of trustees shall post in a conspicious place in each police station and each fire station in said city a statement itemizing all receipts, disbursements, expenditures and pensions paid by said board for the preceding six (6) months period, stating in detail the source of such receipts, and to whom all such expenditures, disbursements and pension payments were made, together with the amount of each. All such records shall be available to any contributing member at any time upon request.

Section 9. All monies ordered to be paid from such policemen's and firemen's retirement fund shall be paid by the secretary-treasurer of such fund only upon warrants signed by the chairman of such board of trustees and countersigned by one associate member of such board of trustees and by the secretary-treasurer; and no warrant shall be drawn on such fund except by order of the board of trusees, which shall be duly and regularly entered in the record of the proceedings of the board of trustees. Any monies wrongfully paid from such fund shall be charged against the members of said board of trustees.

This section of the act shall be subordinate to Section 4 and Section 4 shall prevail.

Section 10. No portion of the said policemen's and firemen's retirement fund shall, before or after its order for distribution by the board of trustees to the person or persons entitled thereto under the provisions of this sub-division, be held, seized, taken, subjected to, detained, or levied upon, by virtue of any attachment, garnishment, execution, injunction, writ, order, decree or any other process whatsoever, issued out of or by any court of this state, for the payment or satisfaction, in whole or in part, of any debt, damage, demand, claim, judgment or decree, against any beneficiary of such fund, but shall be exempt therefrom. Said fund shall be sacredly kept, held and distributed for the purposes named in this subdivision, and for no other purpose whatsoever.

Section 11. If at any time there shall not be sufficient money in the policemen's and firemen's retirement fund to pay each person entitled to the benefit thereof, the full amount per month as herein provided or any time the principal of the fund reaches an amount of $700,000 or less, then an equal percentage of such monthly payment or payments shall be made to each beneficiary until the said fund shall be replenished to warrant the payment in full to each of the said beneficiaries; provided that the provisions of this section concerning prorated payments shall not be interpreted to include those members drawing survivors benefits and those members of said fund who are one-hundred percent disabled and have no other personal income except those benefits derived from the provisions of this act. The board of trustees, or insurance custodian as provided for in this act, is authorized to take such action as it deems necessary periodically to determine the actuarial status of the pension fund.

Section 12. In order to preserve the financial integrity of said pension fund, the Board of Trustees, if it deems necessary, shall have the authority to prorate those benefits received by said members who retired before, on, or after October 1, 1975 as follows:

(a) Excluding retirement benefits and interest received from personal bank accounts, those members who report personal gross income on federal income tax returns in excess of $10,000 a year may have their benefits reduced by thirty percent.

(b) Excluding retirement benefits and interest received from personal bank accounts, those members who report personal gross income on federal income tax returns in excess of $7,500 but less than $10,000 a year may have their benefits reduced by twenty percent.

(c) Excluding retirement benefits and interest received from personal bank accounts, those members who report personal gross income on federal income tax returns in excess of $5,000 but less than $7,500 may have their benefits reduced by ten percent.

Provided that the provisions of this section concerning prorated

payments shall not be interpreted to include those members drawing survivors benefits and those members of said fund who are one-hundred percent disabled and have no other personal income except those benefits derived from the provisions of this act.

The Board of Trustees shall have the power to do whatever is necessary and proper to enforce the provisions of Section 12, Subsection 1.

2. No person retired after October 1, 1975 under the policemen's and firemen's retirement fund can be reemployed full time by the City of Gadsden in any department, State of Alabama, any county or municipality therein, political subdivision, Board of Education (state or local) or any institution supported in whole or part by government funds (local, state or federal), without first having signed an agreement forfeiting his or her pension benefits during the time of reemployment. For purposes of this act, full time employment means twenty (20) hours or more per week. Benefits shall be resumed upon termination of employment. In no instance shall the benefits lost during the time of reemployment be recovered by said person. The provisions of this Section shall not be interpreted to include those members drawing survivor's benefits.

3. Any member of the police and fire department of a city to which this act applies who has been in continuous service thereof for as long as twenty years, upon written application to the board of trustees, therefore shall, without medical examination or disability, be retired from service in such department and upon such retirement the board of trustees shall direct the payment to such retired member, monthly from such fund the amount hereinafter provided for his or her particular position, office, salary, or class of work. However, any member of such police or fire department who has become a new employee as of October 1, 1975, must serve a mandatory thirty (30) years consecutive service before receiving retirement benefits. Also, any person employed on or before June 1, 1975, who will have served twenty-five (25) years effective June 1, 1980, may then retire at 55 percent of his or her salary not to exceed $5,000.00 per year. Also, any person employed on or before June 1, 1975, who will have served thirty (30) consecutive years effective June 1, 1985, may then retire at 60 percent of his or her salary not to exceed $6,000.00 per year. In no instance however, may any employee be eligible to retire at 55 percent of his or her salary not to exceed $5,000.00 per year until or unless on June 1, 1980, he or she shall have then already served twenty-five (25) consecutive years in such police or fire departments, and in no instance, however, may any employee be eligible to retire at 60 percent of his or her salary not to exceed $6,000.00 per year until or unless on June 1, 1985, he or she shall have then already served thirty (30) consecutive years. Each rank must be held three years before retirement. Any person having met the requirements for retiring under this Section must undergo a moratorium period of ninety (90) days before receiving any monthly payment of benefits.

4. All members retiring before the twenty-fifth (25) anniversary date must undergo a moratorium period of at least one full year before receiving any monthly payment of benefits unless the board feels that the reasons of mental or physical disability or some similar tragic circumstances, this requirement could be waived.

5. All members employed prior to June 1, 1975 who retire before the twenty-fifth (25) anniversary date shall undergo a moratorium period of at least one full year before receiving any monthly payment of benefits unless the board feels that for reasons of mental or physical disability or some similar tragic circumstance, this requirement could be waived.

Section 13. 1. The board of trustees shall have the power and authority and it is hereby made mandatory that it shall retire from service in the police and fire departments of any city to which this act applies any members thereof, who has attained the age of sixty-five (65) years, and the said board of trustees shall direct the payment to such retired member, monthly, from said fund, the amount of money hereinafter provided for his, or her, particular position, office, salary, or class of work.

Section 14. Except as otherwise provided in this subdivision each member who has been or who hereafter is retired shall receive a retirement benefit equal to fifty per centum of the salary received at the date of his retirement.

Provided, further, each member who retires after twenty years consecutive service shall ninety days after retirement (unless retired at age 65 or later or for reasons of disability) be paid a retirement benefit of 50 percent of the salary he or she was receiving at the time of retirement. Each member who retires after having served twenty-five consecutive years and whose retirement commences on or after June 1, 1980, shall be paid a retirement benefit of 55 percent of the salary (not to exceed $5,000.00) he or she was receiving at the time of retirement - effective date June 1, 1980. Each member who retires after having served thirty consecutive years and whose retirement commences on or after June 1, 1985, shall be paid a retirement benefit of 60 percent of the salary (not to exceed $6,000.00) he or she was receiving at the time of retirement effective June 1, 1985. This section supercedes any subdivision of the law which may be in conflict herewith. In no instance, however, shall any retired member or survivor be entitled to receive an adjustment monetarily to his, or to her retirement benefit, which he or she is now receiving.

Provided, further, that retired personnel shall, if six of the seven trustees approve, receive, ninety (90) days after the approval, up to a maximum of 20 percent of any increase in salary accorded active members.

Section 15. If any member of the police or fire department of a city to which this act applies is, on proper application, found by the board of trustees to be physically or mentally permanently disabled so as to render him or her unable to fulfill the duties of his or her particular position, or job, the board of trustees shall order and direct, the payment of the proper amount of money as prescribed in this Act, after said board of trustees has directed, or approved the retirement of a physically or mentally disabled member.

Section 16. 1. If a person applies for disability, he or she must undergo an examination by two doctors named by the board of trustees and one of his or her choice. Application for disability retirement must suggest name of one member of panel of doctors to examine the applicant to determine disability and the trustees shall select one and if any dispute, may select a third. After any member of such police or fire department shall have retired upon pension by reason of disability, the said board of trustees shall have the right and authority, at any time, to cause such retired member to be brought before the city physician and two (2) other physicians or surgeons, the retired member having the choice of bringing or selecting either his or her own personal physician, total number of physicians not to exceed the above mentioned number of three. The retired member shall be examined by the above named physicians to determine whether such disability yet continues, and the findings of the three physicians shall determine whether the retired disabled member is capable of returning to active job status. If the find-

ings of the physicians are such that they affirm that the retired disabled member is capable to carry on active job status, then this retired disabled member shall be immediately stricken from the pension roll by the board of trustees, and be immediately notified to return to work in, and to, the respective department from whence he, or she, was retired. If after proper notification, such retired member fails to return to work, after a period of thirty days, or fails to show just cause, either through the courts, or other means, then the person shall forfeit his, or her, right to reinstatement with said city police or fire departments whichever.

2. The board of trustees, when questioned whether a person is legally drawing monies from said pension fund, must, within thirty days appoint a five (5) member investigating committee from the ranks of the police and fire departments, said committee shall return such investigative findings in writing to a meeting of the board of trustees who shall notify the original petitioner of the meeting and request his or her presence.

Section 17. If any active member of such police or fire department, or any member of such department on official leave of absence from such department and in the armed forces of the United States, shall die from any cause whatever, leaving a widow or widower, said board shall direct the payment from said fund, to said widow or widower, of a sum equal to fifty percent of the amount specified in this act to be paid to a retired fireman or policeman of the same rank as such deceased member at the time of his or her death, said monthly payments to continue to such widow or widower during his or her natural life and while unmarried. Should such deceased member leave no surviving widow or widower, but leave surviving him or her a child or children under eighteen years of age, the board of trustees shall direct the payment monthly from such fund, until such child or children shall have attained the age of eighteen years, of a sum equal to fifty percent of the amount specified in this act to be paid to a retired fireman or policeman of the same rank as such deceased member at the time of his or her death, to the person having control and custody of such child or children or to such other person as the board of trustees shall direct, said sum to be expended by such person for the benefit of such child or children as may be prescribed by the board of trustees.

Section 18. If any retired member of such police or fire department shall die from any cause, leaving a widow or widower, said board shall direct the continuation, from the date of such death of fifty percent of the monthly retirement payments of such deceased retired member to be paid to such widow or widower of such deceased retired member during his or her natural life while unmarried. Should such deceased retired member leave no widow or widower surviving him or her, but leave surviving him or her a child or children under eighteen years of age, the board of trustees shall direct the payment monthly from such fund, until such child or children shall have attained the age of eighteen years, of a sum equal to fifty percent of the monthly retirement payments of such deceased retired member to the person having control and custody of such child or children or to some other person as the board of trustees shall direct, said sum to be expended by such person for the benefit of such child or children as may be prescribed by the board of trustees.

Section 19. When the widow or widower, or children of any active or retired member of the police or fire departments shall be entitled to benefits under this subdivision, such widow or widower, or children, shall make or cause to be made an application to the board of trustees through the secretary-treasurer of such board which shall show, in the case of the widow or widower, proof of the marriage of the deceased to

the claimant, by marriage certificate or other competent evidence, and the ages of such children shall be shown by birth certificate or other competent evidence. All such applications and proofs shall be kept and retained in the custody of the said board of trustees.

Section 20. If any employee terminates his or her employment before becoming eligible for retirement benefits, such employee shall receive a lump sum payment from the board of trustees, within 90 days after filing a written application with said board, said lump sum payment to be based on the following scale:

(A) From 0 to and including the 5th year said employee will receive 100 percent of all amounts he or she has contributed to said fund.

(B) From 6 to and including the 10th year said employee will receive 100 percent of all amounts he or she has contributed plus an amount equal to 1 percent per year of employment contributed by the City of Gadsden.

(C) From 11 to and including 20th year said employee will receive 100 percent of all amount he or she has contributed plus amount equal to 2 percent per year of employment contributed by the City of Gadsden.

The above provisions shall apply to only those employees employed before June 1, 1975.

Section 21. No member of said police department or fire department, who is not now contributing to said retirement fund, shall be entitled to participate in said retirement fund, or required to make contributions thereto, unless at the time he qualifies therefore he may be not less than twenty-one (21) years of age and not more than thirty-five (35) years of age, establish by an examination of him by a duly licensed and practicing physician that he is physically and mentally sound, and establish by examination of duly licensed and qualified specialists that his vision, hearing and heart are in good physical condition.

Section 22. The term "member of such police department" shall include chief of police, assistant chiefs of police, chief of detectives, captain of police, lieutenants of police, sergeants of police, identifications officers, superintendent of identification, lieutenant of detectives, patrolmen and any full time, regularly employed and compensated, bonded and sworn peace officer under the direct supervision of the chief of police of the city. The term "member of such fire department" shall include the following in said department: chief, assistant chiefs, captains, lieutenants, mechanics, drivers, firemen, fire marshall or fire inspector, drill master or instructor, division or battalion chiefs, superintendent of fire alarm systems, and any full time, regularly employed and compensated, officer or employee engaged in fire fighting under the direct supervision of the chief of said fire department. No other officer, employee or person shall be eligible to participate in said retirement fund, notwithstanding the provisions of any civil service law, state statute, city ordinance or rules and regulations of said board.

Section 23. There shall be kept by the secretary-treasurer of the board of trustees a book to be known as the list of retired policemen or firemen. Such book shall also give a full and complete history and record of the action of the said board of trustees in retiring any and all persons under this subdivision, showing the names, date or entering the service of such police or fire department, date of retirement and the reason for such retirement, if any.

Section 24. It shall be the duty of the city attorney or such assistant city attorney as may be designated by the board of commissioners or

other governing body of the city to give advice to the said board of trustees in all matters pertaining to the duties of the said board of trustees and the management of such fund, whenever requested to do so, and he shall represent and defend the said board of trustees as its attorney in all suits and actions at law or in equity that may be brought against it, and in all suits and actions in its behalf that may be required or determined upon by said board of trustees. Such city attorney shall serve as such attorney of the board of trustees without compensation additional to the salary paid him as such city attorney.

Section 25. The board of trustees shall be authorized to pay out of such fund all reasonable and necessary expenses including cost of bond herein provided for that may be incurred by it in and about the management and administration of such fund; provided that in no event shall the members of said board of trustees receive any salary of compensation for their services out of said fund.

Section 26. Within ten (10) days after any final decision of the board of trustees, any contributing member including the governing body of such city, feeling aggrieved at the decision of the board of trustees may appeal from any such decision to the circuit court of the county in which such city is located and such appeal shall be heard by a judge sitting without a jury. Upon the filing of any such appeal, notice thereof shall be served upon any member of the board of trustees by the appellant. Such appeal shall be heard by the court at the earliest possible date, and it shall not be necessary on any such appeal to enter exceptions to the rulings of the board of trustees and no bond shall be required for such an appeal and such an appeal shall be effected by filing a notice and request therefor by the appellant with the clerk of said court. An appeal may be taken from any decision of such court to the court of appeals or the supreme court as now provided by law.

Section 27. The provisions of this act shall supercede all existing provisions of law, general or local relating to the policemen's and firemen's reitrement fund of any city to which this act applies, and any such fund existing at the time of the passage of this act is hereby transferred to and made a part of the retirement fund created in this act. All other laws, or parts of laws, in conflict herewith are hereby expressly repealed.

Section 28. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 29. All laws or parts of laws, general or local, which conflict with this act are hereby repealed.

Section 30. This act shall take effect upon its passage and approval by the Governor or its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF ETOWAH

Before me, the undersigned authority in and for said County in said State, this day personally appeared Angie Sharp, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Bookkeeper of the The Gadsden Times, a newspaper of general circulation published in Etowah County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama,

said notice having appeared in the issues of said paper on Oct. 18, Oct. 19, Oct. 26, and Nov. 2, all in the year 1975.

ANGIE SHARP.

Sworn to and subscribed before me Nov. 3, 1975.

PEGGY CULBERSON,
Notary Public.

By Messrs. Ford and Taylor:

H. 2. To name three buildings on the Gadsden State Junior College Campus.

State Administration.

By Messrs. Mitchem, Whatley, Sandusky and Smith (M):

H. 3. Relating to persons engaged in the business of buying and selling livestock required to be licensed and bonded; to amend Section 3 of Act No. 568, S. 201, Legislature of 1969, approved August 29, 1969 (Acts of 1969, Vol. II, p. 1049) by requiring persons engaged in the business of buying and selling livestock as a livestock dealer to pay an annual license fee of $20.00; to provide for the effective date of this Act.

Agriculture.

By Messrs. Mitchem, Sandusky and Smith (M):

H. 4. To repeal Section 387 of Title 2 of the Code of Alabama of 1940 which makes it unlawful for any livestock dealer to buy or sell cattle, hogs, sheep or goats at anytime after sunset or before sunrise.

Agriculture.

By Messrs. Mitchem, Whatley, Sandusky and Smith (M):

H. 5. To repeal Article 27 (Sections 438 through 449) of Chapter 1 of Title 2 of the Code of Alabama of 1940, which regulates the sale of paint and prescribed certain requirements under which paint is sold or offered for sale.

Agriculture.

By Messrs. Mitchem, Whatley, Sandusky and Smith (M):

H. 6. To amend Section 630 of Title 2, Code of Alabama 1940, to increase the annual permit fee required to be paid to the Commissioner of Agriculture and Industries by persons engaged in the business of weighing for hire, designated as weighmasters, by increasing said fee to ten dollars.

Agriculture.

By Messrs. Mitchem, Whatley, Sandusky and Smith (M):

H. 7. To amend Section 1 of Act No. 238, H. 288, approved July 27, 1953 (Acts of Alabama of 1953, Vol. I, p. 303) an Act providing for the designation of certain employees of the Department of Agriculture and Industries as "Cattle Theft Investigators" with authority of peace officers, etc.; to amend said Act No. 238 of 1953 to designate such employees of the Department of Agriculture and Industries as "Livestock Theft Investigators" with the power and authority of peace officers to conduct investigations and make arrests for any unlawful offense which may be exercised anywhere within the State of Alabama.

Agriculture.

By Messrs. Mitchem, Whatley, Turnham, Sandusky and Smith (M):

H. 8. To make an appropriation to the Department of Agriculture and Industries for control and eradication of a destructive insect pest known as the fire ant.

Ways and Means.

By Mr. Merrill:

H. 9. To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1976.

Ways and Means.

By Mr. Merrill:

H. 10. To make an appropriation from the general fund in the state treasury to be used by the Alabama Code revision committee named in the State of Alabama's contract with Michie and Bobbs-Merrill Company for the purposes of the contract; namely, revising, digesting and codifying the statutes of the state of a general and permanent nature, and otherwise implementing the adoption and publication of a new code.

Ways and Means.

By Mr. Merrill:

H. 11. To make an additional appropriation from the State treasury to the use of the Legislative Reference Service for the payment of costs of printing and publishing the index of local laws, for cost of equipment, supplies and for other expenses.

Ways and Means.

By Mr. Merrill:

H. 12. To amend Section 3 of Act No. 2220, H. 2829, 1971 Acts of the Regular Session (Acts 1971, Vol. V, p. 3566), entitled "Relating to all counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census; to impose a tax upon the sale by liquor licensees of spirituous or vinous liquors and an additional tax on malt or brewed beverages when sold for on-premises consumption; providing for the administration of this Act and the collection and use of the proceeds; requiring permits for taxable sales of spirituous and vinous liquors and malt or brewed beverages; and providing penalties for violations of this Act," so as to delete provisions levying an additional tax on certain malt or brewed beverages, and regulate further the tax on spirituous liquor.

Local Legislation No. 1.

By Messrs. Holley and Folmar:

H. 13. Proposing an amendment to the Constitution of Alabama to authorize regulation of the fees, commissions, percentages, allowances and compensation of county officers of Coffee County and of costs and charges of courts in said county.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Holley and Folmar:

H. 14. Relating to counties having a population of not less than 34,100 nor more than 34,900 inhabitants according to the most recent federal decennial census, further regulating the employment and compensation of certain personnel employed in the offices of the probate judge, tax assessor, tax collector and circuit clerk in such counties, and providing for the payment of the compensation of such employees from the general funds of the counties to which this act applies.

Local Legislation No. 1.

By Messrs. Holley, Folmar, Jackson (F), McCulley, Wyatt, Johnstone, Campbell, Lockett, White, Gafford, Whatley, Hall, Morris, Lutz, Reed, Cates, Plaster, Tucker and Owens:

H. 15. To amend Act No. 648 adopted at the 1949 Regular Session of the Legislature of Alabama, as heretofore amended so as to expand the definition of a "project" to include an office building which is the home or chief executive office or the divisional, state, regional, national, or international headquarters or chief executive office of any business enterprise.

State Administration.

By Messrs. Holley and Folmar:

H. 16. Relating to all counties having a population of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; placing the probate judge, the tax assessor, the tax collector and the circuit clerk on a salary basis of compensation.

Local Legislation No. 1.

By Mr. Kelley:

H. 17. To authorize the Department of Conservation and Natural Resources through its Division of State Parks, Monuments and Historical Sites to hire certain categories of skilled persons for employment in its resort facilities and to make such personnel acquisition subject to written approval of the State Examiner of Public Accounts.

Conservation.

By Mr. Kelley:

H. 18. To amend Section 4 of Act No. 712, H. 48, Acts of Alabama 1951 (Acts 1951, Vol. II, p. 1250) relating to tourist advertising, to permit the purchases of intrastate advertising of state-owned parks by bureau of publicity and information.

Conservation.

By Mr. Drake:

H. 19. To require the State Highway Department to transfer to the Board of Corrections all real estate, buildings and fixtures that are being used or have been used within the last ten years for housing and maintaining prisoners used in road and highway work, or work release programs.

State Administration.

By Mr. Drake:

H. 20. Relating to all counties having a population of not less than 50,000 nor more than 52,500 inhabitants according to the most recent

federal decennial census; authorizing the county governing body of such counties to develop and establish a prisoner rehabilitation program which would include a livestock raising and farming area for the purpose of inmates occupying their time in supplementing prison food, and including the leasing or purchasing of land for such purpose and purchasing equipment and supplies incident thereto; providing that the cost for such program be paid out of the county general fund and from funds designated for prisoners' feeding allowance; and prescribing penalties for violations by inmates.

Local Legislation No. 1.

By Mr. Drake:

H. 21. Relating to counties having a population of not less than 50,000 nor more than 52,500 according to the most recent federal decennial census; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of any such counties; and providing penalties for violation hereof.

Local Legislation No. 1.

By Mr. Drake:

H. 22. Relating to state and county prisoners; to authorize and direct the establishment of a joint state-county work-release program in each county of the state; to provide rules for establishment and operation of the program; to vest administrative and rule-making power in the board of corrections and county governing bodies; to provide for the amount and disposition of inmates' wages; to repeal or supercede conflicting laws; and to provide penalties for violations.

State Administration.

By Mr. Drake:

H. 23. To amend Section 1 of Act No. 571, H. 724, 1963 Regular Session (Acts of 1963, p. 1193), entitled: "An Act Relating to Taxation: To exempt wrapping and other packing materials from the State Sales and Use Tax when used in preparing poultry or poultry products for delivery, shipment, and sale," so as to include the exemption of pallets used in shipping poultry and egg products.

Ways and Means.

By Mr. Drake:

H. 24. To amend Act No. 811, H. 243, 1973 Regular Session [Acts 1973, p. 1236; now appearing in Code of Alabama, Recompiled 1958, Title 46, Section 64(2.01) to 64(2.25)] known as the Auctioneers License Act, so as to exempt auctioneers selling certain types of property; to set a salary for the secretary of the state board; to make the state board financially self-sustaining; to provide further for examination procedure; to provide for licensing of non-resident auctioneers; and to authorize injunctions by the state board against the illegal actions of auctioneers.

State Administration.

By Mr. Drake:

H. 25. To exempt The Garden Club of Alabama, Inc. from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Mr. Drake:

H. 26. To further amend Section 33 of Act No. 100, H. 94, 1959 Second Special Session (Acts of 1959, p. 315), as amended, entitled "An Act To raise revenue; levying a privilege or license tax against persons on account of certain business activities; prescribing the rate thereof and exemptions therefrom; superseding Article 10 of Chapter 20, Title 51, Code of Alabama 1940, as amended and supplemented," so as to exempt LP gas used by agricultural producers from the state sales tax.

Ways and Means.

By Mr. Drake:

H. 27. To provide that full-time employees of the Alabama State Employees' Association may participate in the Employees' Retirement System subject to the rules, regulations, and conditions set out in Section 12 of Act No. 515 of the 1945 Legislature of Alabama (now appearing at Section 467 of Title 55, Code of Alabama 1940) as amended, for the participation of counties, cities, towns and public or quasi-public organizations.

Ways and Means.

By Mr. Drake:

H. 28. To amend Title 55, Section 346, Code of Alabama 1940, which prohibits boxing, sparing or wrestling matches on Sunday so as to provide that the boxing and wrestling commission could allow such matches.

State Administration.

By Mr. Drake:

H. 29. To amend Title 52, Section 100, Code of Alabama, 1940, to change the name of local School Trustees to that of Local School Advisory Committee and to repeal Title 52, Sections 138, 139, 140, 141, 143, 144, 145, 146, and 147 and to further provide for the selection of Local School Advisory Committees and specify their powers.

Education.

By Messrs. Starkey, Killian and Lutz (With Notice and Proof):

H. 30. Relating to Jackson County; to provide further for the payment of additional expense allowances to the chairman of the Board of Revenue of Jackson County.

Local Legislation No. 1.

Notice and Proof H. 30:

STATE OF ALABAMA
COUNTY OF JALKSON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Jackson County; to provide further for the payment of

additional expense allowances to the chairman of the Board of Revenue of Jackson County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Chairman of the Board of Revenue of Jackson County may be paid a monthly allowance of not more than $100 for each month remaining of the current term of said chairman, as an expense allowance to compensate him for his travel and other incidental expenses in and about the performance of his duties. This allowance shall be paid monthly out of the general fund in the same manner that present allowances are paid and shall be in addition to all other amounts now paid.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Section 3. The provisions of this Act shall become null and void and of no further effect at the end of the current term of the chairman of the Board of Revenue.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF JACKSON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Karen Haggar, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Bookkeeper of the Jackson County Advertiser, a newspaper of general circulation published in Jackson County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 3-6, 3-13, 3-20, and 3-27, all in the year 1975.

KAREN HAGGAR.

Sworn to and subscribed before me 10-30, 1975.

JERRY J. GENTLE,
Notary Public.

My Commission Expires 10/18/78.

By Messrs. Killian and Starkey:

H. 31. To amend Act No. 1159, S. 278 of the 1975 Regular Session, which provides for an additional circuit judgeship in the 38th Judicial Circuit, so as to make the provisions thereof relative to the time of appointment and the term of service of the first additional judge and his successors comply with Section 153 of the Constitution of 1901, as amended, and to correct a clerical error in the Act.

Ways and Means.

By Messrs. Killian and Mitchem:

H. 32. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all severance taxes on coal levied by any such county; authorizing said Department of Revenue to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the

recovery of the costs of collection of such taxes out of the proceeds of such tax collections.

Local Legislation No. 1.

By Messrs. Killian and Mitchem:

H. 33. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all gasoline taxes levied in such counties, and authorizing said Department to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections.

Local Legislation No. 1.

By Mr. McNees:

H. 34. To provide members of the Teachers' Retirement System of Alabama, who became members before October 1, 1971, certain guarantee of retirement benefits, in addition to those provided by Section 366 of Title 52 of the Code of Alabama 1940, as amended, which relates to such benefits payable under the Teachers' Retirement System of Alabama; to provide for a redetermination of benefits payable on or after October 1, 1975 to such members; to provide for necessary and proper appropriations; and to provide for retroactive effect of the act.

Ways and Means.

By Mr. McNees:

H. 35. To provide that the named beneficiary of any retired member, who retired under the Teachers' Retirement System of Alabama and who elected Option II (joint survivorship), or Option III (reduced survivorship), shall receive a survivor benefit under such Options based upon the retirement allowance payable to such retired member at the time of his death rather than at the time of his retirement.

Ways and Means.

By Mr. McNees:

H. 36. To provide that the "Average Final Compensation" used to calculate a members retirement benefit under the Teachers' Retirement System shall be based upon three years, rather than five of the final ten years of membership service in which earnable compensation is highest; and for this purpose further amending Code of Alabama 1940, Title 52, Section 362; also to provide for the redetermination of all retirement allowance payments due on or after January 1, 1976, to members who retired prior to said date; and to provide for necessary and proper appropriations to carry out the provisions of this Act.

Ways and Means.

By Messrs. Cooper and Hines:

H. 37. To provide for review of the sentence of an offender when the punishment for that crime of which such offender was convicted is reduced.

Judiciary.

My Messrs. Mitchem, Manley, Hill, Crowe and Smith (M):

H. 38. To amend Act No. 90 adopted at the 1963 Regular Session

of the Legislature of Alabama so as to provide that revenue bonds or notes issued under the said act may be refunded, extended or renewed by other temporary bonds or notes maturing not more than eighteen months from the date of maturity of the temporary bonds or notes then outstanding.

State Administration.

By Mr. Morris:

H. 39. Relating to the location of liquor stores; to amend Code of Alabama 1940, Title 29, Section 73, to exempt cities having populations of not less than 12,350 nor more than 12,370 inhabitants therefrom.

Local Legislation No. 1.

By Messrs. Carothers, Crawford, Baker, Williams, Jackson (F), and White:

H. 40. To require liquor licensees to sell liquor in half pints and miniatures in unbroken packages.

State Administration.

By Messrs. Pegues, Coburn, Manley, Clark, Campbell and Dial:

H. 41. To amend Sections 494, 495, 499, and 502 of Title 55 of the Code of Alabama, 1940, as amended, which sections provide for competitive bidding on public contracts.

State Administration.

By Mr. Pegues:

H. 42. To amend Section 2 of Act No. 130, Regular Session of the Legislature, 1975, by rewriting subsection (k) of said Section 2, to redefine the term "public official" so as to eliminate from said definition members of certain city and county boards of all counties and municipalities.

State Administration.

By Mr. Lee:

H. 43. Relating to any county having a population of not less than 115,000 nor more than 150,000 according to the most recent federal decennial census; prescribing the terms of office for the tax assessor and tax collector.

Local Legislation No. 1.

By Mr. Pegues:

H. 44. To make an appropriation to the Perry County Board of Education to be used for capital outlay purposes for the school located in the Heiberger community in Perry County.

Ways and Means.

By Messrs. Pegues and Lockett:

H. 45. To amend Section 4 of Act No. 90, H. 216, 1963 Regular Session [Acts of 1963, p. 474; now appearing in Code of Alabama, Recompiled 1958, Title 37, Section 826 (1)], so as to provide that revenue bonds or notes issued under the said act may be refunded, extended or renewed by other temporary bonds or notes maturing not more than

eighteen months from the date of maturity of the temporary bonds or notes then outstanding.

State Administration.

By Mr. Leonard:

H. 46. To make the provisions of Chapter 5, Title 26, of the 1940 Code of Alabama, as now or hereafter amended, inapplicable to all cities having a population of 250,000 or more, to any park board of such cities, to the boards and agencies authorized by such cities, and to the employees of any such city, board or agency.

Local Legislation No. 2.

By Messrs. Smith (C) and Plaster:

H. 47. To amend Section 1 of Act No. 471, S. 189, Regular Session 1969, (Acts of 1969, p. 914; now appearing in Code of Alabama, 1940, Recompiled 1958, Title 55, Section 531, entitled "An Act To provide for the regulation and control of state-owned motor vehicles for official use by state officers and employees; to limit the number, cost and use of such vehicles, to provide for a transportation pool and to fix the responsibility for the maintenance and repair of vehicles therein; to establish a revolving fund for the use of the transportation pool, providing for the payment of certain fees and charges for the use of pool cars to be paid into such fund and appropriating state funds therefor; to provide for the administration and enforcement of this act and to prescribe penalties for violations; to ratify all acts of the Governor and finance director in establishing a transportation pool and to validate the transfer of funds allocated to state departments for the acquisition of automobiles to the finance department for the establishment of a transportation pool"; so as to place certain limitations on the size of such vehicles to be purchased for use by any employee, official or officer of the state except certain law enforcement personnel and constitutional officers.

State Administration.

By Messrs. Sandusky and Johnstone:

H. 48. To amend Sections 2, 4, 5 and 7 of Act No. 1274, S. 311, Regular Session 1973 (Acts 1973, p. 2164), providing for the preservation, enhancement and development of the coastal areas of Alabama and establishing the Alabama Coastal Area Board so as to provide further for state policy, the activities to which this act shall not apply, the composition, appointments, meetings and functions of the board, and the permit applications.

State Administration.

By Mr. Gafford:

H. 49. To exempt bonds, notes, warrants, other evidences of indebtedness or securities issued by any municipality, by any county, by any public corporation heretofore or hereafter organized or created in the State of Alabama pursuant to authorization, determination, finding or other action of any municipality or municipalities or county or counties or the governing body of any one or more thereof, or by any city or county board of education from all laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940, as amended.

Banking.

By Mr. Gafford:

H. 50. To amend Section 1 of Act No. 1515, H. 37, 1971 Regular Session [Acts of 1971, p. 2629; now appearing in Code of Alabama, Recompiled 1958, Title 8, Section 30 (1)], entitled "To provide for the cost of and establish the procedure for obtaining an annual resident state hunting license"; so as to provide for the issuance of a permanent lifetime hunting license for all residents over 65 years of age at no cost and upon the payment of nominal issuance fee; repealing Act No. 546, S. 437, 1965 Regular Session [Acts of 1965, p. 796; now appearing in Code of Alabama, Recompiled 1958, Title 8, Section 31 (1)].

Conservation.

By Messrs. Baker, Smith (M), Higginbotham, Turnham, Whatley and Carter:

H. 51. To appropriate $1,500,000.00 from the Special Educational Trust Fund in the state treasury for construction, erection and equipping of two buildings at the Chattahoochee Valley Community College.

Ways and Means.

By Messrs. Baker, McMillan, Hines, McCulley, Sandusky, Smith (C), Sasser, Boles, Gafford, Starkey, Moore (O), Jolly, Trammell, Warren, Smith (M), Carter, Edwards, Shelton, Pegues, Whatley, Williams, Turnham, Dial, Carothers and Higginbotham:

H. 52. To authorize the County Commission or like governing body of each of the several counties to appoint an Engineer Trainee; to provide for the qualifications and duties of such Engineer Trainee; and to provide for State participation in the salary of such Engineer Trainee appointed.

Ways and Means.

By Messrs. Baker, Smith (M), Whatley and Turnham:

H. 53. To designate and name certain buildings at the Chattahoochee Valley Community College.

State Administration.

By Messrs. Baker, Smith (M), Higginbotham, Whatley and Turnham:

H. 54. To amend Section 5, as amended, and Section 6 of Act No. 107, S. 2, 1965 first special session (Acts of 1965, special session, volume one, p. 132, now appearing in Code of Alabama, Recompiled 1958, Title 50, Sections 82 and 83), relating to the incorporation in any county in the State of Alabama of a Water Authority, as a public corporation for the purpose of furnishing water service and fire protection service; so as to regulate further the membership of the board of directors.

State Administration.

By Mr. Turnham:

H. 55. To require the payment of an initial licensing fee or initial registration fee to the radiation control agency by all persons seeking certain licenses or registrations, require an annual fee to be collected by the judge of probate or licensing commissioner of the counties of the state, to establish the Radiation Control Fund and appropriations therefrom; to provide for the remittance of monies collected by the probate

judge or licensing commissioner to the state treasurer for deposit in the Radiation Control Fund; and penalties for failure to pay the fees.

Ways and Means.

By Mr. Turnham:

H. 56. To designate by number the various places upon the governing body, to fix and stagger the terms of office of such places, and to provide for election to each, and to fix the term of office and provide for the election of the Mayor in all cities having a population of not less than 22,000 nor more than 25,000 according to the last or any subsequent federal decennial census.

Local Legislation No. 1.

By Mr. Morris:

H. 57. To repeal Act No. 1198, S. 1047, 1971 Regular Session [Acts of 1971, p. 2072; now appearing in Code of Alabama, Recompiled 1958, Title 26, Section 166 (130) through Section 166 (140)], entitled "An Act to provide compensation for total disability and death due to pneumoconiosis of underground coal miners as herein defined in compliance with the mandate of the Congress of the United States as required by the provivisions of Public Law 91-173 of the Ninety-First Congress and to provide for standards and presumptions for determining when and under what conditions total disability or death is due to pneumoconiosis as herein defined and to provide that any claim or action filed hereunder for such total disability or death shall be deemed to have been timely filed if filed as herein required within three years of the discovery of such total disability or the date of death in the case of death. And to provide for the liability for the benefits herein provided of prior and successor operators as herein defined for miners employed at such mines on or after January 1, 1973."

Health.

By Mr. Shelton:

H. 58. To remove the authority of the Public Service Commission to promulgate any rule or regulation or to in any way interfere with the operation of any company furnishing water for public human consumption.

Local Government.

By Mr. Turnham:

H. 59. To appropriate such funds necessary to The Alabama Postsecondary 1202 Commission in order to develop a comprehensive student assistance program and to qualify the State of Alabama for federal assistance under Title IV.

Ways and Means.

By Mr. Turnham:

H. 60. To designate the wild turkey as the official state game bird for the State of Alabama.

Conservation.

By Mr. Turnham:

H. 61. To extend library privileges at all state supported institutions of higher learning to persons over 65 years of age.

Ways and Means.

By Messrs. Leonard, Hall, Waggoner, Manley, McCluskey, Pegues, Jolly, McNair, Martin, Porter, Taylor and Boles:

H. 62. To amend Section 440, Title 37, Code of Alabama 1940, as amended, so as to provide for the establishment of the salary of the mayor in municipalities organized and operating under the mayor-council form of government; to require the council to fix the salary of the mayor at least six months prior to the next general municipal election.

Local Government.

By Messrs. LeFlore, Smith (J), Johnstone, Morris, Kennedy, McCulley, Malone, Callahan, Sonnier, Sandusky, McMillan, Teague, Johnson, Martin, Cooper, Coburn, Kinsey, Lockett and Greer:

H. 63. To further amend Sections 1 and 3 of Act No. 470, S. 182, 1969 Regular Session [Acts 1969, p. 912 - now appearing in Code of Alabama Recompiled 1958, Title 55, Section 488 (1) and 488 (3)], as amended, entitled "An Act to provide for and regulate the payment of expenses of state officers and employees and persons traveling on official business for the state or any of its departments, institutions, boards, bureaus, commissions, councils, committees, and other like agencies," so as to provide for increases in subsistence and mileage allowances for such employees and to exempt legislators from the $25.00 per day maximum amount allowable for in-state travel.

Ways and Means.

By Messrs. LeFlore, Glass, McCulley, Malone, Sonnier, McMillan, Teague, Manley, Cooper, Coburn, Kinsey, Morris, Johnson and Quarles:

H. 64. To require the wardens of the Holman Prison, the Fountain Correctional Institution, the Julia T. Tutwiler Prison, the Mt. Meigs Correctional Facility, the Draper Prison, and the Frank Lee Youth Center to promulgate rules and regulations providing for conjugal visitation by inmates with their respective spouses, and appropriating sufficient funds from the state general fund to construct a facility to be used for this purpose at each prison.

Ways and Means.

By Mr. Sandusky:

H. 65. Relating to State Government administration; abolishing the Fort Morgan Historical Commission and transferring to the Department of Conservation and Natural Resources, Division of State Parks all the powers and duties of said Commission and further transferring all assets, materials, supplies and employees to the said Division of State Parks; to provide for the expenditure of funds for the operation and maintenance of said facility. To abolish the office of Assistant Secretary, Fort Morgan Historical Commission; to specifically repeal all portions of Act Number 204, Acts of Alabama 1955, p. 497, as amended, which conflict with the provisions of this Act.

State Administration.

By Messrs. Waggoner and Biddle:

H. 66. To name and designate the physical education facility at The University of Alabama in Birmingham as the George C. Wallace Building.

State Administration.

By Messrs. Waggoner and Biddle:

H. 67. Providing further for the administration of justice in counties having populations of six hundred thousand or more according to the most recent federal decennial census, specifically further regulating the jurisdiction and the cost and charges of inferior civil courts in such counties.

Local Legislation No. 2.

By Messrs. Waggoner, Falkenburg, Callahan, McCulley and McMillan:

H. 68. To provide for the establishment, regulation of, and an appropriation for the financing of a scholarship loan and awards program for the study of dentistry; replacing Act No. 793 of Acts of Alabama, Regular Session, 1965.

Ways and Means.

By Mr. Smith (J):

H. 69. To amend Act No. 763, H. 286 (Acts 1973, p. 1145—now appearing in Code of Alabama, Recompiled 1958, Title 55, Section 378 (1a)), which act provides for subsistence allowances for certain law enforcement officers so as to include law enforcement officers of the State Board of Pardons and Paroles and to repeal conflicting statutes.

Ways and Means.

By Messrs. Greer, Carter, Hill, Brindley, Morris and Pegues:

H. 70. To amend Sections 10, 14 and 16 of Act No. 576, Acts of Alabama, 1959 Regular Session, as amended, pertaining to the cost of obtaining registration certificates, duplicate certificates and transfer certificates for vessels operated on the waters of this state, and to provide for the disposition of the proceeds from the increases in those costs as prescribed herein.

Conservation.

By Mr. Biddle:

H. 71. To amend Act No. 751, Acts of Alabama, 1965 Regular Session, relating to the cost of purchasing non-resident hunting licenses.

Conservation.

By Messrs. Gafford, Biddle, Moore (O), Jolly, Trammell, Falkenburg, Howard, Andrews, Waggoner, White, Hopping and Armstrong:

H. 72. Relating to any county having a population of 600,000 or more according to the most recent federal decennial census; providing for the election of constables in any such county.

Local Legislation No. 2.

By Messrs. Harris, Lewis, Holmes, Barron, Wyatt and Plaster:

H. 73. To amend Section 2 of Act No. 478, Regular Session, 1961, dealing with composition of, appointment, terms and compensation of members; officers, rules and regulations of museum boards of any municipality in the State of Alabama having a population of not less than one hundred thousand (100,000) nor more than two hundred thousand (200,000) according to the last or any subsequent federal decennial cenus.

Local Legislation No. 4.

By Mr. Turnham:

H. 74. To permit the State Board of Education, through the State Superintendent of Education, to enter into an interstate agreement known as the "Interstate Agreement on Qualification of Educational Personnel" for the purpose of establishing cooperative arrangements with other states for persons to meet teacher certification requirements.

Education.

By Mr. Turnham:

H. 75. To authorize the governing body of any city having a population of not less than 22,000 nor more than 25,000, according to the most recent federal decennial census, and the governing body of the municipality to establish a parking authority as a public corporation for the purposes of financing, acquiring, constructing, enlarging, equipping, improving, maintaining, developing, and operating facilities for parking motor vehicles, and related facilities including offices for any such authority, and leasing or letting such buildings, structures or facilities; to authorize such authority to issue bonds of indebtedness, enter into contracts, acquire and dispose of properties; to exercise powers, privileges and rights necessary; to provide that such bonds shall be negotiable instruments; and to provide for the dissolution of the authority and the disposition of its property.

Local Legislation No. 1.

By Mr. Turnham:

H. 76. To provide for the licensing of speech pathologists and audiologists; to establish an Alabama Board of Examiners for Speech Pathology and Audiology; to define the powers and duties of such board; to prescribe licensing standards, procedures, and fees; to provide a penalty for violation of this act; and to repeal conflicting laws.

Health.

By Mr. Turnham:

H. 77. To authorize the city board of education in all cities having a population of not less than 22,000 nor more then 25,000 according to the last or any subsequent federal decennial census to assume responsibility for community education, park and recreation programs.

Local Legislation No. 1.

By Mr. Turnham:

H. 78. To provide an additional expense allowance for the members of the county board of education of any county having a population of not less than 60,000 nor more than 65,000 inhabitants according to the most recent federal decennial census and to repeal all conflicting statutes.

Local Legislation No. 1.

By Mr. Turnham:

H. 79. Relating to all counties with populations of not less than 60,000 nor more than 65,000 according to the most recent federal decennial census; to provide that the coroner of such county may charge a fee for certain services rendered.

Local Legislation No. 1.

By Mr. Turnham:

H. 80. Relating to the largest city in all counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the most recent or any subsequent federal decennial census; to empower recorders courts in said counties to suspend sentences or grant probation under certain conditions.

Local Legislation No. 1.

By Mr. Turnham:

H. 81. To provide additional revenue in the town of Loachapoka in Lee County; levying special privilege license and excise taxes paralleling, at lower rates, state sales and use taxes as provided for in Act No. 100, H. 94, approved August 18, 1959, and in Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore or hereafter amended or supplemented; providing for the ascertainment, collection, payment, distribution, and use of the proceeds of such license tax, and for the enforcement of the Act by the state department of revenue; and prescribing penalties and fixing punishment for violations of the Act.

Local Legislation No. 1.

By Mr. Turnham:

H. 82. To make appropriations from the state treasury to the use of the Board of Trustees of Auburn University located in Auburn, Alabama for capital outlay purposes.

Ways and Means.

By Mr. Turnham:

H. 83. To amend Section 1 of Act No. 1209, S. 223, Regular Session 1973 (Acts of 1973, p. 2031, now appearing in Code of Alabama, Recompiled 1958, as Title 52, Section 13 (1)) so as to increase the expense allowance of members of the State Board of Education from $100 to $500 per month.

Ways and Means.

By Mr. Turnham:

H. 84. Relating to education; requiring all public high schools to give instruction to all student on the essentials and benefits of the free enterprise system; prescribing duties of the State Board of Education, the State Department of Education and Boards of Education of each school district; and establishing an effective date.

Education.

By Mr. Turnham:

H. 85. To direct the state department of education to establish and maintain public kindergarten programs as an integral part of the public schools in Alabama; and to continue the eight kindergarten pilot programs heretofore established.

Education.

By Mr. Kinsey:

H. 86. To amend Sections 373 and 744 of Act No. 407, H. 198, Legislature of Alabama of 1971, approved August 25, 1971, entitled "An Act

to provide a comprehensive revision, consolidation and classification of the laws of the State of Alabama relating to insurance and to the insurance business; to regulate the incorporation, formation, and affairs of domestic insurance companies, societies, and associations, and the admission of foreign alien insurance companies, societies and associations; to provide their rights, powers and immunities, and to prescribe the conditions on which insurance companies, societies, and associations organized, existing, or authorized under this Act may exercise their powers; to provide the rights, powers and immunities and to prescribe the conditions on which other persons, firms, corporations, and associations engaged in or affected by an insurance business may exercise their powers; to provide for service of process on unauthorized insurers and the conditions for defense of actions brought against them in this State; to provide for certain powers, rights, obligations, and consequences as to insurers and other persons relative to insurance contracts and annuity contracts and matters arising from such contracts; to provide for the imposition of licenses, fees, and taxes and for the disposition thereof; to provide for the departmental supervision and regulation of the insurance business within or relative to this State; making appropriations; to provide penalties for the violation of this Act; to repeal certain laws and Acts, and for other purposes," which relate to the Standard Nonforfeiture and Standard Valuation Laws applicable to life insurance companies so as to increase the interest rates used in determining minimum nonforfeiture and reserve values for contracts issued by such companies, and to substitute modern mortality tables in determining the reserve values for annuity contracts.

Insurance.

By Messrs. Turnham, Higginbotham, Wyatt, Smith (C), Sparks, Whatley, Ford, Rich, McNees, Baker, Teague, Hines, McMillan, Barron, Glass, Owens, Jackson (F), Sasser, Morris, Harris, Venable, Carothers, Edwards, Crawford, White, Smith (M), Johnson, Goodwin and Weeks:

H. 87. Proposing an amendment to the Constitution of Alabama relating to a provisional budget for the State Public Educational System in certain circumstances.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Mr. Falkenburg:

H. 88. To amend Code of Alabama 1940, Title 45, Section 144, as amended, providing a daily prisoner meal allowance, so as to provide for an increase in such allowance.

Ways and Means.

By Messrs. Falkenburg, Sasser, Roberts, Porter, Waggoner, Biddle, Andrews and Leonard:

H. 89. To provide a state scholarship program to promote the education of graduate nurses at the School of Nursing of the University of Alabama in Birmingham, and making appropriations therefor.

Ways and Means.

By Messrs. Falkenburg, Sasser, Roberts and White:

H. 90. To create in the State of Alabama a "Joint Advisory Board

of Family Practice" to further the supply of competent family physicians; to provide for the Board's membership number and selection; and to establish the duties and authorities of the Advisory Board.

Health.

By Messrs. Falkenburg, Sasser, and Roberts:

H. 91. To amend Code of Alabama, 1940, Title 30, Section 3, which provides exemptions from jury duty, so as to eliminate many of such exemptions.

Judiciary.

By Messrs. Falkenburg and Sasser:

H. 92. To amend Code of Alabama, 1940, Title 30, Sections 5 and 38, both of which relate to the excusing of persons called for jury duty, so as to authorize the excusing of persons from such jury duty by the court administrator in those counties in which the office of court administrator exists.

Judiciary.

By Mr. Biddle:

H. 93. To prohibit the abuse, neglect or exploitation of aged or disabled adults; to provide protective services for such persons; to require mandatory reporting by physicians and others of abuse, neglect or exploitation of such persons; to exempt persons reporting such abuse, neglect or exploitation from civil or criminal liability in connection with such reporting; to prescribe penalties for the abuse, neglect or exploitation of aged or disabled adults; and to provide penalties for failure of physicians and other practitioners of the healing arts to report such abuse, neglect or exploitation.

State Administration.

By Mr. Biddle:

H. 94. To authorize the Game and Fish Division to receive Federal Pittman-Robertson funds for capital improvement purposes on division operated public hunting areas and to appropriate $115,000.00 of Game and Fish funds for such purposes.

Ways and Means.

By Mr. Biddle:

H. 95. To amend Section 259 of Title 46 of the Code of Alabama 1940, as amended, relating to the qualifications of applicants, to expedite the licensure of United States citizens who are graduates of foreign medical schools.

State Administration.

By Mr. Biddle:

H. 96. To amend Title 8, Section 39, Code of Alabama 1940, as amended, pertaining to annual non-resident fishing licenses, so as to require said license if a non-resident desires to fish in any fresh water, whether public or private, in this State, increasing its costs from $5.00 to $10.50; to amend Title 8, Section 40, Code of Alabama 1940, as amended, pertaining to non-resident trip fishing licenses, so as to require a non-

resident to have said license in order to fish in any fresh water, whether public or private, in this State, increasing its cost from $2.00 to $3.50; and to amend Title 8, Section 41, Code of Alabama 1940, as amended, pertaining to the penalty for fishing without a license, so as to make it unlawful to fish in any water in this State without the appropriate license.

Conservation.

By Mr. Biddle:

H. 97. Relating to State Government administration; abolishing the Fort Morgan Historical Commission and transferring to the Department of Conservation and Natural Resources, Division of State Parks all the powers and duties of said Commission and further transferring all assets, materials, supplies and employees to the said Division of State Parks; to provide for the expenditure of funds for the operation and maintenance of said facility. To abolish the offices of Secretary and Historian and Assistant Secretary, Fort Morgan Historical Commission; to specifically repeal all portions of Act Number 204, Acts of Alabama 1955, p. 497, as amended, which conflict with the provisions of this Act.

State Administration.

By Messrs. Coburn and Goodwin:

H. 98. Relating to counties having a population of not less than 45,500 nor more than 52,000 inhabitants according to the most recent federal decennial census; authorizing nighttime hunting of racoons and opossums under certain conditions.

Local Legislation No. 1.

By Mr. Owens:

H. 99. To allow retired members of the Employees' and Teachers' Retirement Systems to become employed with any employer unit participating in the Employees' and Teachers' Retirement Systems and to prescribe the limitations therefor.

State Administration.

By Mr. Owens:

H. 100. To amend Section 1 of Act No. 812, H. 1831, 1975 Regular Session of the Legislature, relating to clerk hire allowances for the tax assessor and tax collector in all counties having a population of not less than 13,500 nor more than 14,250 inhabitants according to the most recent decennial census so as to provide further for the amounts of such allowances.

Local Legislation No. 1.

By Mr. Owens:

H. 101. To amend Act No. 276, S. 170, 1971 Third Special Session (Acts of 1971, p. 4543) [now appearing in Code of Alabama, Recompiled 1958, Title 23, Section 64(17)-64(35)] amending Sections III, IV, VI, VII, XII, and XIII of such act known as the "Highway Beautification Act—Outdoor Advertising"; so as to provide control of outdoor advertising signs outside of an urban area beyond 660 feet of the right-of-way of interstate or primary highway systems; to provide for Court proceedings, evidentiary matters and procedures; to provide for just compensation for removal of such signs and to provide penalties for violations.

State Administration.

By Mr. Owens:

H. 102. To regulate further vehicles using the highways of the State; providing for and regulating the compulsory periodic inspection of motor vehicles, trailers, semi-trailers, pole-trailers and mobile homes; requiring the adjustment, correction or repair of certain parts or equipment of such vehicles if such inspection discloses the necessity therefor; providing for the designation and regulation of inspection stations and the appointment of state inspectors; prescribing the fee for inspecting a vehicle and for appointment as an inspection station; providing for the collection and use of such fees; prescribing penalties for violations of the act; authorizing and providing for the administration and enforcement of this act by the director of public safety; providing appropriation therefor; and repealing Act No. 542, H. 290 of the Regular Session of 1943 (Gen. Acts of 1943, p. 522) which provides for municipal vehicles testing stations.

Commerce and Transportation.

By Mr. Owens:

H. 103. To make appropriations to the Alabama Forestry Commission for construction of an automotive maintenance and repair shop, mechanics salaries, and equipment and parts for such shop.

Ways and Means.

By Mr. Crowe:

H. 104. To amend Sections 1, 2, 3, 4, 5, 6, 13, 13½, 14, 15, 16, 18, 19, 20, 24, 25, 28, 29, 33, 35, 39, 41, 42, 44, 49, 50, 52, 55, 57, 62, 69, 72, 73, 74, 75, 76, 78, 79, 80, 81, 82, 83, 84, 85, 87, 89, 90, 92, 93, and 106 of Act No. 207, S. 134, Regular Session 1949, (Acts 1949, p. 242), as amended, the Act known as the "Alabama Coal Mine Safety Law of 1959", so as to further provide for the health and safety of persons engaged in the mining of coal; for the qualifications and duties of mine inspectors; for the regulation and inspection of underground coal mines in accordance with modern mining practices; for equipment and ventilation standards in order to promote health and safety; for the safe design, maintenance and use of mechanical and electrical equipment; for required first aid and safety equipment; for the establishment of operating procedures to promote mining health and safety.

State Administration.

By Mr. Crowe:

H. 105. To amend Section 1 of Act No. 106, S. 13, 1971 Regular Session (Acts 1971, p. 373), which is the Alabama Exceptional Child Education Act, so as to include the profoundly retarded child under the provisions of the act.

Education.

By Mr. Crowe:

H. 106. To provide that the Mine Technology Building at Walker State Technical College shall be named The Robert T. Wilson Mine Technology Building for Senator Robert T. Wilson and to repeal all conflicting statutes.

State Administration.

By Mr. Crowe:

H. 107. To amend Section 17 of Act No. 1148, H. B. 600, Regular Session 1975, which act relates to the profession and practice of optome-

try, by providing that a license to practice optometry shall not be required for the sale, preparation or dispensing of eyeglasses, spectacles or contact lenses in a retail optical dispensary on prescription of an optometrist or physician.

State Administration.

By Mr. Crowe:

H. 108. To require a notification procedure for the issuance by counties, cities, towns, municipalities and public corporations of industrial revenue bonds under Act No. 178 enacted at the 1961 Extra Session of the Alabama Legislature (1961 Acts, p. 2147, et seq.), as amended (relating to industrial revenue bonds to be issued by counties), Act No. 756, enacted at the 1951 Regular Session of the Alabama Legislature (1951 Acts, p. 1307, et seq.) as amended (relating to industrial revenue bonds to be issued by municipalities), Act No. 648, enacted at the 1949 Regular Session of the Alabama Legislature (1949 Acts, p. 991, et seq.) as amended (relating to industrial revenue bonds to be issued by industrial development boards), Act No. 516, enacted at the 1955 Regular Session of the Alabama Legislature (1955 Acts, p. 1160, et seq.) as amended (relating to industrial revenue bonds to be issued by medical clinic boards), Acts No. 4, enacted at the 1956 Second Special Session of the Alabama Legislature (1956 Acts, p. 240, et seq.), as amended (relating to industrial revenue bonds to be issued by certain municipalities to finance hotel and motel projects), Act No. 337 enacted at the 1971 Third Extra Session of the Alabama Legislature (1971 Acts, p. 4625, et seq.) (relating to industrial revenue bonds to be issued by certain municipalities to finance hotels and motels projects), to provide, in addition to their present functions and duties, the functions and duties of the Alabama Securities Commission and its Director (established under Act No. 740 enacted at the 1969 Regular Session of the Alabama Legislature, Acts of 1969, p. 1316, et seq. with respect to such industrial revenue bonds, to establish and provide for the membership, functions and duties of the State Industrial Revenue Bond Advisory Council; to authorize the issuance of stop orders by the Alabama Securities Commission and/or the Director delaying or prohibiting the issuance of industrial revenue bonds; to provide for certificates of notification by the Director, the effect of such certificate, and a remedy for failure or refusal of the Director to issue such certificate; to provide for the assessment of filing fees by the Securities Commission; to provide criminal penalties for willful violations of this act or stop orders issued thereunder; and to provide relief from stop orders of the Director by readoption by the governing body of the issuer of the authorizing proceedings, or from stop orders issued by the Alabama Securities Commission by judicial validation under Title 7, Section 169, et seq., Alabama Code of 1940, as amended (relating to the judicial validation of securities issued by counties, cities and towns) and Act No. 859 of the 1953 Regular Session of the Alabama Legislature (Acts of 1953, p. 1148, et seq. (relating to the judicial validation of securities issued by boards and public corporations) and as supplemented in this act for proceedings hereunder, and relief from stop orders of the Council by such judicial validation.

Local Government.

By Messrs. Callahan, Sandusky, Sonnier, Malone, Kinsey, Johnstone, Glass, McMillan, McCulley, Cooper, Kennedy and LeFlore:

H. 109. To authorize Alabama State Docks Department, with the approval of the Governor, to sell and issue from time to time not exceeding $10,000,000 principal amount of revenue bonds for the purpose

of the construction, improvement and equipment of additional seaport facilities at the Port of Mobile for the handling and storage of coal, coke, or any other materials in bulk or containers, or any other method of shipment; to provide for the details of the bonds issued hereunder, the execution thereof, the method of sale thereof, and the application of the proceeds from the sale thereof; to provide that bonds issued hereunder shall not be or constitute a debt of the State of Alabama, shall not pledge the faith or credit of the State of Alabama, shall bear such rate or rates of interest as may be specified in the order of the Department without regard to statutory limitations on interest rates, and shall be limited obligations payable solely out of revenues of the Department derived from its special handling charge, and out of revenues from a severance tax on coal; the pledge of the special handling charge for payment of the said principal and interest and that such pledge will constitute a charge of the revenues so pledged; to provide for, appropriate and authorize the pledge of a sufficient portion of a severance tax levied by Act No. 2305 adopted by the 1971 Regular Session of the Legislature of Alabama, as amended by the Act adopted by the 1975 Fourth Special Session of the Legislature of Alabama that was introduced as House Bill ____ at that session, to the extent necessary to pay the principal of and interest on said bonds and to create reserves therefor and that such pledge will constitute a charge on the revenues so pledged; to authorize the publication of notice of the adoption of an order authorizing the issuance of bonds hereunder and limiting the time within which any action may be brought to set aside or contest the validity of any such bonds or any proceedings authorizing or any pledge or instrument securing the said bonds; to provide that all bonds issued hereunder and the income therefrom shall be exempt from all taxation; and to provide that bonds issued hereunder shall be deemed negotiable instruments, and may be used to secure deposits or funds of the State of Alabama or of any instrumentality or agency of the State, and shall be lawful for the investment of fiduciary funds; to authorize the investment of proceeds of the bonds not presently needed for the purpose for which they are issued; and to provide that the provisions of this Act shall be severable and any portion hereof that may be held invalid shall not affect the remaining portions.

Ways and Means.

By Messrs. Callahan, Sandusky, Sonnier, Malone, Kinsey, Johnstone, Glass, McMillan, McCulley, Cooper, Kennedy and LeFlore:

H. 110. To amend section 5 of Act No. 64 enacted at the 1971 First Special Session of the Legislature of Alabama (Acts of 1971, p. 115), as amended by section 3 of Act No. 2306 enacted at the 1971 Regular Session of the Legislature of Alabama (Acts of 1971, p. 3724), the act being entitled "An Act to authorize Alabama State Docks Department, with the approval of the Governor, to sell and issue from time to time not exceeding $15,000,000 principal amount of revenue bonds for the purpose of the construction, improvement and equipment of additional seaport facilities at the Port of Mobile for the handling and storage of coal, coke, or any other materials in bulk containers, or any other method of shipment, to authorize the Department to make temporary loans by the sale and issuance of its bond anticipation notes and to pay such notes and the interest thereon out of proceeds from the sale of the bonds herein authorized; to provide for the details of the bonds and notes issued hereunder, the execution thereof, the method of sale thereof, and the application of the proceeds from the sale thereof; to provide that bonds and notes issued hereunder shall not be or constitute a debt of the State of Alabama, shall not pledge the faith or credit of the State of Alabama, and shall be limited obligations payable solely out of certain revenues of the said Department derived from the facilities constructed with the

proceeds of the said notes and bonds, and out of revenues from a severance tax on coal, except that the notes shall also be payable out of the proceeds from the sale of the bonds; to provide for and authorize the imposition and collection of an additional handling charge for the use of the said facilities and the pledge of such additional charge for payment of the said principal and interest and that such pledge will constitute the first charge on the revenues so pledged; to provide for, appropriate and authorize the pledge of a sufficient portion of a severance tax levied by the acts adopted by the 1971 Regular Session of the Legislature of Alabama that was introduced as House Bill 875 at said session to the extent necessary to pay the principal of and interest on said bonds and notes and to create reserves therefor; to authorize the publication of notice of the adoption of an order authorizing the issuance of bonds hereunder and limiting the time within which any action may be brought to set aside or contest the validity of any such bonds or any proceedings authorizing or any pledge or instrument securing, the said bonds; to provide that all bonds and notes issued hereunder and the income therefrom shall be exempt from all taxation; and to provide that bonds and notes issued hereunder shall be deemed negotiable instruments, and may be used to secure deposits or funds of the State of Alabama or of any instrumentality or agency of the State, and shall be lawful for the investment of fiduciary funds; to authorize the investment of proceeds of the bonds and the notes not presently needed for the purpose for which they are issued; and to provide that the provisions of this Act shall be severable and any portion hereof that may be held invalid shall not affect the remaining portions," so as to increase the amount of the special handling charge authorized to be imposed and collected, to provide that the proceeds collected from the special handling charge shall be available for use in the payment of interest and principal on certain revenue bonds which may be authorized by the 1975 Fourth Special Session of the Legislature of Alabama to be issued by the Alabama State Docks Department, and to extend the term during which the special handling charge shall be collected.

Ways and Means.

By Messrs. Callahan, Sandusky, Sonnier, Malone, Kinsey, Johnstone, Glass, McMillan, McCulley, Cooper, Kennedy and LeFlore:

H. 111. To amend sections 1, 2, 5, 6, and 9 of Act No. 2305 enacted at the 1971 Regular Session of the Legislature of Alabama (Acts of 1971, p. 3719), entitled "An Act To raise revenue by levying an excise and privilege tax on every person engaged in the severance of coal from the soil in this state; to provide for the collection, payment and administration of such tax; to provide for the use of the proceeds of such tax; to provide for refunds of excess taxes; to provide for penalties for violation of the provisions of this Act; and to provide for eventual termination of such tax," so as to increase the rate of tax levied; to provide that the proceeds of the tax levied on the severance of coal from the soil in this state shall be used for payment of interest and principal on certain revenue bonds which may be authorized by the 1975 Fourth Special Session of the Legislature of Alabama to be issued by the Alabama State Docks Department; to provide for refunds of excess taxes commensurate with the issuance of additional bonds to be paid out of the proceeds from that tax; and to alter the provisions respecting the eventual termination of that tax.

Ways and Means.

By Messrs. Callahan, Sandusky and Sonnier.

H. 112. To repeal Act No. 933, H. 781 of the Regular Session of

the Legislature of 1975, approved October 9, 1975 (M. S.) entitled: "An Act To, amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939, (Local Acts, 1939 (p. 298) which creates and establishes the county-wide Civil Service System in Mobile County."

Local Legislation No. 3.

By Messrs. Callahan, Sandusky and Soniner:

H. 113. Providing further for the solemnization of marriages in counties having populations of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; providing for the appointment of a person authorized to solemnize marriages in each such county in addition to those persons now authorized by law to solemnize marriages; prescribing the qualifications, term of office, powers and duties of persons hereby authorized to solemnize marriages; and providing that any charge for a marriage ceremony shall not exceed the amount allowed the probate judge for such ceremony.

Local Legislation No. 3.

By Messrs. Callahan, Sandusky, McMillan, Johnstone, Sonnier, Malone, McCulley, Kennedy, Cooper, Glass and LeFlore:

H. 114. Relating to all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census to authorize the governing body and election officials of those counties which use voting machines which produce printouts that contain all required data regarding registering or recording and computing the vote at all elections to use such printout sheets and to make any required certificates or statements thereon; providing that such shall satisfy the provisions of Alabama Code of 1940, Title 17, Chapter 1, Article 7.

Local Legislation No. 3.

By Messrs. Callahan, Waggoner, Falkenburg, Biddle, McCulley and McMillan:

H. 115. To provide for a scholarship program for medical education; making an appropriation to carry out the provisions of this act; and repealing Act No. 278, H. 182, First Special Session of 1965, (Acts of Special Session 1965, p. 384).

Ways and Means.

By Messrs. Callahan, Sandusky and Sonnier:

H. 116. This bill repeals Act No. 1167, S. 1179 of the Regular Session of the Legislature of 1975, approved October 10, 1975 (m. s.), entitled: "An Act To provide for Supernumerary-Retired Probate Judges in all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census; to prescribe the qualifications, term, duties, powers, authority, compensation and benefits of such supernumeraries; to provide for a Probate Judges Retirement Fund in such counties; to regulate the administration and supervision of said fund and to repeal all conflicting statutes."

Local Legislation No. 3.

By Messrs. Roberts, Carter, Coburn, McCulley, Campbell, Martin and Starkey:

H. 117. To exempt from civil liability members of organized volun-

teer fire departments who make efforts to preserve and protect any building and certain other property from fire.

Judiciary.

By Messrs. Roberts, Carter and Martin:

H. 118. To prohibit the taking, catching, capturing, or killing game or non-game fish by use of a gill, trammel or similar type net in that part of the Tennessee River lying within the boundaries of Alabama and all tributaries thereto and to prescribe penalties.

Conservation.

By Messrs. Hall and Boles:

H. 119. Relating to state income tax; allowing any depreciation deductions allowed under federal income tax laws and regulations; authorizing the department of revenue to promulgate rules and regulations to carry out the provisions of this Act.

Ways and Means.

By Messrs. Smith (C), Moore (O) and Waggoner:

H. 120. To name the Speech and Hearing Center at the University of Montevallo the "George C. Wallace Speech and Hearing Center."

State Administration.

By Mr. Smith (C):

H. 121. To exempt the Chilton County Rescue Squad from the payment of all sales and use taxes.

Ways and Means.

By Mr. Hall:

H. 122. To further amend Code of Alabama 1940, Title 51, Section 613, as last amended by Act No. 1085, H. 291, 1975 Regular Session, which relates to the licensing of vending machines, so as to exempt from requirement of a license a person who has obtained a store license and who owns and operates vending machines within his store.

Ways and Means.

By Messrs. Hall, Leonard and Boles:

H. 123. To provide that any mortician, undertaker, embalmer, or funeral director, who is duly licensed may, after satisfactory ophtalmologic training, be issued a license to enucleate donor eyes; to authorize the state board of embalmers to establish certain standards and regulations to effect the provisions hereof; and to require that any such licensee comply with the applicable provisions of the "Alabama Uniform Anatomical Gift Act."

Health.

By Mr. Morris:

H. 124. Relating to the Fifth Judicial Circuit of Alabama, providing for the powers and duties of any coordinating assistant designated and appointed by the district attorney.

Local Legislation No. 1.

By Mr. Morris:

H. 125. To authorize the district attorney of the Fifth Judicial Circuit of Alabama to appoint a chief deputy district attorney and to prescribe his duties; to fix his compensation and the manner of its payment.

Ways and Means.

By Mr. Morris:

H. 126. To authorize and empower the District Attorney of the Fifth Judicial Circuit of Alabama to appoint and delegate powers to a Special Assistant District Attorney under exigent circumstances.

Local Legislation No. 1.

By Mr. Morris:

H. 127. Providing that the District Attorney of the Fifth Judicial Circuit shall receive the same additional expense allowance as allowed any Circuit Judge of the Fifth Judicial Circuit.

Ways and Means.

By Mr. McNair:

H. 128. Further amending Code of Alabama 1940, Title 22, Section 40, 42 relating to Vital Statistics, providing for equitable fees for service to county registration districts and state registration district in conformity with surrounding states.

Ways and Means.

By Mr. Gafford:

H. 129. To exempt certain religious organizations from the payment of any tax levied upon the recordation of certain instruments of conveyance under Title 51, Section 618, Code of Alabama 1940, as amended.

Ways and Means.

By Messrs. Sonnier, Sandusky, Callahan, Cooper and Kennedy:

H. 130. Relating to the thirteenth judicial circuit; providing for an additional circuit court judge in such circuit and prescribing the duties, authority, and compensation of such judge.

Ways and Means.

By Messrs. Armstrong, Boles, Hall, Tucker, Trammell, Falkenburg, Hilliard, Waggoner, Jackson (R) and Howard:

H. 131. To fix supplemental salaries for each circuit clerk and each deputy circuit clerk elected by the people in counties having a population of not less than 600,000 according to the most recent Federal decennial census.

Local Legislation No. 2.

By Mr. Campbell:

H. 132. To repeal Act No. 51, S. 326, 1971 Regular Session, (Acts 1971, p. 301), entitled "An Act Relating to counties having populations of not less than 16,350 nor more than 16,650, according to the most recent federal census; to fix compensation and traveling expenses of the Superintendent of Education; and to repeal conflicting laws."

Local Legislation No. 1.

By Messrs. Campbell, McCorquodale, Dial, Owens, Manley, Lockett, Edwards, Clark, Pegues, Robertson and McCulley:

H. 133. To name that portion of U. S. Highway 11 that is within Sumter County the "Livingston University Highway".

State Administration.

By Mr. Lewis:

H. 134. To make a conditional appropriation in the amount of $100,000.00 from the Alabama Special Educational Trust Fund to Alabama State Board of Education for the use and benefit of Alabama State University for the purpose of demolition and removal of a gutted building on the University campus and for the purpose of purchasing additional land within the University Master Plan Area.

Ways and Means.

By Mr. Dial:

H. 135. To amend further Section 3 of Act No. 1945, H. 584, Regular Session of the 1971 Alabama Legislature (Acts 1971 Regular Session, p. 3143), which authorizes, provides for, and regulates the employment and compensation of a county engineer or a chief engineer of the Division of Public Roads in each county in the state, and prescribes his qualifications, so as to provide that in Cleburne County the county engineer need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of said county engineer's salary.

Local Legislation No. 1.

By Mr. Dial:

H. 136. Relating to all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the most recent federal decennial census; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Local Legislation No. 1.

By Mr. Gafford:

H. 137. To amend further Section 2, Act No. 100, Second Special Session 1959, the State Sales Tax Act, so as to provide that where any used part of an automotive vehicle or a truck trailer, semitrailer or a house trailer is taken in trade as a credit or part payment on the sale of a new or rebuilt part, the sales tax shall be paid on the net difference, and to provide that this provision shall not be construed to include tires and batteries.

Ways and Means.

By Messrs. Sonnier and Malone (With Notice and Proof):

H. 138. Relating to Mobile County; providing for the compensation of the president of the Mobile County Law Enforcement Association and the president of the Mobile Firefighters Association local No. 1349 while such presidents are engaged in certain association business.

Local Legislation No. 3.

Notice and Proof H. 138:

STATE OF ALABAMA
COUNTY OF MOBILE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Mobile County; providing for the compensation of the president of the Mobile County Law Enforcement Association and the president of the Mobile Firefighters Association local 1349 while such presidents are engaged in certain association business.

Be It Enacted by the Legislature of Alabama:

Section 1. The president of the Mobile County Law Enforcement Association and the president of the Mobile Firefighters Association local 1349 shall receive their normal pay and shall not be docked accumulated leave time by the political subdivision employing them, while attending to legislative matters of interest to their respective association. However, the respective association shall reimburse the political subdivision employing such president the amount which the respective subdivision has payed the president, while such president was attending to legislative matters of interest to the association.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

E. E. Koch being sworn, says that he is Office Manager of the Mobile Press and The Mobile Register, daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Press, The Mobile Register July 24, 31, Aug. 7, 14, 1975.

E. E. KOCH.

Sworn to and subscribed before me this 24th day of Oct. 1975.

GARY L. RICHARDSON,
Notary Public.

By Messrs. Clark and Manley:

H. 139. Relating to counties having populations of 10,660 or less inhabitants according to the most recent federal decennial census; authorizing the Alabama Alcohoic Beverage Control Board to permit the sale of draft or keg beer in such counties.

Local Legislation No. 1.

By Mr. Hall:

H. 140. Relating to public health; prohibiting smoking in certain public areas and prescribing penalties for violation of this act.

State Administration.

By Mr. Whatley (With Notice and Proof):

H. 141. Relating to Lee County; to provide that the County Commission shall have the power to levy and collect additional privilege license taxes, excise taxes, alcoholic beverage taxes, and sales and use taxes; and to provide for the disposition of the proceeds of such taxes.

Local Legislation No. 1.

Notice and Proof H. 141:

STATE OF ALABAMA
COUNTY OF LEE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

Be It Enacted by the Legislature of Alabama:

"Section 1. Subject to any limitation of the Constitution of Alabama or of any general law of this state, the Lee County Commission shall have the pwoer to levy and collect additional privilege license taxes, excise taxes, alcoholic beverage taxes, and sales and use taxes. The revenue from any of the taxes authorized above shall be deposited into the county treasury be used in the manner prescribed by the county commission.

"Section 2. The provisions of this Act are severagle. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

"Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

"Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LEE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Millard B. Grimes, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Opelika-Auburn Daily News, a newspaper of general circulation published in Lee County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 4/17/75, 4/25/75, 5/2/75, and 5/5/75, all in the year 1975.

MILLARD B. GRIMES.

Sworn to and subscribed before me May 5, 1975.

DOROTHY W. MITCHELL,
Notary Public.

By Mr. Whatley:

H. 142. Proposing an amendment to the Constitution relative to the levy and collection of additional special property taxes for educational

purposes in Lee County, and repealing certain property taxes levied for educational purposes by the cities of Auburn and Opelika now provided in Constitutional Amendments CXLVII and CXLVIII, (Acts, 1959, p. 421 and p. 436, respectively). contingent upon the passage of said additional county property taxes.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Mr. Whatley:

H. 143. Relating to any judicial circuit composed of a county having a population between 60,000 and 65,000 inhabitants according to the most recent or any subsequent federal decennial census; to provide for the fixing of fees of official court reporters of such judicial circuit to be taxed as court costs.

Local Legislation No. 1.

By Mr. Whatley:

H. 144. To amend Title 8, Sections 100 and 101 of the Code of Alabama, 1940, so as to eliminate distinctions between resident and non-resident fur dealers.

Agriculture.

By Mr. Whatley:

H. 145. To allow heads of households to make wine at home in the amount and in the manner as prescribed by Federal law, and to repeal any conflicting laws.

Agriculture.

By Mr. Leonard:

H. 146. Relating to counties having a population of 600,000 or more inhabitants according to the most recent federal decennial census; to levy an additional privilege, license or excise tax on the sale, distribution, storage, withdrawal from storage, use or other consumption of tobacco in such county; to provide for the collection, administration and distribution of said tax; to prescribe formulas and limitations applicable to the allocation of the proceeds from said tax to public health and public transit authorities in such counties; to create a contingency fund for public health authorities in such counties; to provide that a certain part of the proceeds from ad valorem taxation of property in such counties shall be allocated by certain formulas and limitations to public health and public transit authorities in such counties; to repeal all conflicting statutes.

Local Legislation No. 2.

By Messrs. Killian, Robertson and Brindley:

H. 147. To provide that a $2.00 license good for one day shall be required for hunting on a licensed game preserve within the state where only exotic or non-native game is being hunted.

Conservation.

By Mr. Naramore:

H. 148. To provide that Unemployment Insurance Fraud Investigators and certain other employees of the Department of Industrial

Relations, designated in writing by the Director thereof, shall be peace officers of the State of Alabama with police power to enforce the Alabama Unemployment Compensation Law and the criminal laws of the State of Alabama.

Ways and Means.

By Mrs. Quarles:

H. 149. To provide for the regulation and development of unincorporated areas by use of county planning, zoning and subdivision control.

State Administration.

By Messrs. Greer, Coburn and Hill:

H. 150. Relating to all counties having populations of not less than 65,500 nor more than 75,200 inhabitants according to the most recent decennial census; providing further for the government of all such counties; abolishing the county commission and creating a new commission in lieu thereof; providing for the selection of the members of such commission; prescribing their qualifications, terms, and compensation; providing for the organization and jurisdiction of the commission hereby created, and for the powers and duties of the individual members thereof; providing for and regulating county purchasing and the custody and use of certain county property; divesting the highway department of certain county functions and duties in relation to roads and bridges in all such counties, heretofore transferred to it, and revesting such functions in the county governing body of all such counties, providing, however, for the construction, maintenance and repair of county roads on the unit basis; providing for the transfer of certain funds, equipment, material and personnel from the state highway department to the commission hereby created; providing for the payment of salaries of certain county employees; providing that this Act shall become effective only upon a referendum at which two questions shall be submitted: 1. Shall the county take over the construction of its own roads and bridges? and 2. Shall the present governing body of the county be abolished and a new governing body be created as prescribed in this Act?

Local Legislation No. 1.

By Messrs. Johnson and Robertson:

H. 151. To amend and re-enact Act No. 206, H. 1, 1975 Third Special Session, entitled "To establish length and periods of time for law enforcement officers in which they would be recognized for service to the state by increased allowances," so that certain provisions will apply to all cities having a population of not less than 60,000 nor more than 130,000, all cities having population of not less than 9,400 nor more than 9,900, and all counties having a population of not less than 115,000 nor more than 150,000 according to the most recent federal census.

Ways and Means.

By Mr. Johnson:

H. 152. To amend Sections 6, 15, 16, 17 and 18 of Act No. 183 enacted at the 1975 Third Special Session of the Legislature of Alabama so as to make different provision for the first term of office of any directors of any hospital authority organized under said Act who are elected by the Central Labor Council; so as to delete the reference in said Act to the University of Alabama; so as to revise the provisions of said Act relating to the applicability of the rules and regulations of the

State Ethics Commission and to provide that the provisions of Act No. 130 (1975 Regular Session) shall apply to the members of the Board of Directors of any such hospital authority, and to the administrator and the purchasing agent of such hospital; so as to prohibit any such hospital authority from purchasing, or contracting to purchase, any goods or services from any employee of such authority or from the spouse of any such employee; so as to delete the requirement that all purchases, sales and contracts of such hospital authorities be administered in full compliance with Chapters 22 to 24, inclusive, of Title 55 of the Code of Alabama of 1940, and to provide, in lieu thereof, that the competitive bid provisions of Act No. 217 (1967 Special Session), as amended, shall apply to such hospital authorities to the same extent as to other local governmental agencies specifically mentioned therein and that the provisions of Act No. 314 (1969 Regular Session) and relating to insurance on public building contracts or public construction contracts shall be applicable to all such hospital authorities; and so as to revise the provision of said Act requiring the publication of annual financial statements.

State Administration.

By Mr. Johnson:

H. 153. To provide authority to the governing body of cities in this state having not less than 60,000 nor more than 70,000 people, according to the last or any subsequent Federal decennial census, to employ a special police officer; providing for his condition of employment; providing for his tenure and compensation.

Local Legislation No. 1.

By Mr. Johnson:

H. 154. To fix the salary of the office of Ex-officio Judge of any County Court exercising original jurisdiction over general misdemeanors in Judicial Circuits composed of only one county and having a population of not less than 115,000 people nor more than 160,000 people according to the last and any subsequent decennial Federal census.

Local Legislation No. 1.

By Messrs. Johnstone, Malone, Taylor and Ford:

H. 155. To amend Section 2-316 of Act No. 549, S. 2, Regular Session 1965 (Acts 1965, p. 811) (now appearing in Title 7 A, in the supplement to Code of Alabama, recompiled 1958), which is the Alabama Uniform Commercial Code, and which Section 2-316 concerns the exclusion or modification of the implied warranties of merchantability or fitness for a particular purpose to circumscribe the limitation or exclusion of the implied warranty of merchantability or fitness for a particular purpose in the sale or lease of new consumer goods.

Judiciary.

By Messrs. Johnstone, Glass, Malone, Taylor and Ford:

H. 156. To exempt certain sports organizations from all state, county and municipal taxes.

Ways and Means.

By Messrs. Johnstone, Malone, Taylor and Ford:

H. 157. To provide for application for review of felony sentences of five or more years, except death sentences, by a panel of three cir-

cuit judges appointed from time to time by the President of the Circuit Judges Association.

Judiciary.

By Messrs. Johnstone and Malone:

H. 158. To amend the Act providing for the disposition and use of a certain portion of the funds received by counties having a population of not less than 300,000 nor more than 600,000 under the provisions of Act Number 2, H. 47, Regular Session 1945 (Acts 1945, p. 20) so as to provide further for the distribution.

Local Legislation No. 3.

By Messrs. McCulley, Sasser, Greer, Martin, Moore (O), Johnson, Glass, Johnstone, Smith (C), Sandusky, Baker, McMillan, Carter, Malone, LeFlore and Kennedy:

H. 159. To provide that school principals shall supervise the operation and management of schools under policies determined by local boards of education and to assign school principals supervisory responsibilities and the coordination of instructional leadership under the direction of the local school superintendent.

Education.

By Messrs. McMillan and Kinsey:

H. 160. Relating to all counties having populations of not less than 57,000 nor more than 61,000; providing further for the compensation and expenses of the circuit clerk and register in such counties.

Local Legislation No. 1.

By Messrs. McMillan and Baker:

H. 161. To provide that all monies received by Counties from motor vehicle license taxes and registration fees under provisions of Title 51 § 713, Code of Alabama, as amended shall be deposited in a fund known as the Public Highway and Traffic Fund and used for the purpose of construction, improvement and maintenance of public highways or streets including administrative expenses in connection therewith, retirement of securities evidencing obligations incurred for payment of cost of such construction, improvement and maintenance, costs of traffic regulation and expense of enforcing state traffic and motor vehicle laws.

Local Government.

By Mr. Roberts:

H. 162. Relating to all counties having a population of not less than 75,000 nor more than 90,000 inhabitants according to the most recent federal decennial census; to provide further for the distribution of fines and forfeitures in certain cases.

Ways and Means.

By Mr. Higginbotham:

H. 163. To provide for the holding of circuit court anywhere within the county comprising the 37th Judicial Circuit of Alabama.

Local Legislation No. 1.

By Mr. Higginbotham:

H. 164. To provide for supplementing the salaries or compensation paid to retired or supernumerary Circuit Judges in the 37th Judicial Circuit.

Local Legislation No. 1.

By Mr. Higginbotham:

H. 165. To authorize each municipality in this State to acquire, finance, establish, own, use, operate, manage and control parks, playgrounds, and recreational or athletic areas situated wholly or in part outside of its corporate limits; to provide the conditions upon which a park, playground, or recreational or athletic area may be used or established within the corporate limits or police jurisdiction of another municipality or within a county other than that of that in which the municipality establishing the same shall be situated; to provide that all authority heretofore and hereafter granted to municipalities with respect to parks, playgrounds, and recreational or athletic areas within the corporate limits of a municipality shall be applicable to and may be exercised by a municipality with respect to any park, playground, or recreational or athletic area located wholly or in part outside of its corporate limits; to provide that a municipality may join and cooperate with one or more other municipalities in acquiring, financing, refinancing, providing, establishing, installing, using, and managing parks, playgrounds, and recreational or athletic areas, making the same common to the use of such municipalities and in fixing and charging fees and in making rules and regulations for the conduct, management and use thereof and that all such municipalities shall jointly have the same powers and authorities conferred by the Act upon each; to provide that neither the Act nor anything therein contained shall be construed as a restriction or limitation upon any power which a municipality might otherwise have under any laws of the State and that the Act shall be construed as cumulative of any such powers; to declare conflicting laws inapplicable; to declare that the provisions of this Act are severable; and to provide the effective date of this Act.

Local Government.

By Messrs. White, Carter, Clark, Roberts, Martin, Higginbotham, Holley, Biddle, Morris, Greer, Mitchem, Campbell, Moore (W), Harris, Tucker, Carothers, Owens, Barron, Smith (C), Lewis, Turnham, Baker, Whatley, Quarles, Dial, Hill, Sasser, McCorquodale and Gafford:

H. 166. Proposing an amendment to the constitution of Alabama providing for the forfeiture of all pay and allowances by the members of the legislature in the event that the legislature fails to pass necessary appropriation bills.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Venable and Plaster (With Notice and Proof):

H. 167. Relating to Elmore County; to provide an additional expense allowance for the county license inspector, and furnishing proof thereof.

Local Legislation No. 1.

Notice and Proof H. 167:

STATE OF ALABAMA
COUNTY OF ELMORE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Elmore County; to provide an additional expense allowance for the county license inspector, and furnishing proof thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The license inspector of Elmore County shall receive a travel expense allowance of $15.00 per day for any day the license inspector travels for the purpose of contacting mobile home owners who are delinquent in paying their taxes and purchasing their tags. This expense shall be paid out of the county general fund and shall be in addition to any and all other compensation; expenses and allowances provided for by law.

Sestion 2. The license inspector shall be required to furnish proof of such travel to the Probate Judge of Elmore County in the form of a sworn affidavit that the license inspector worked and traveled on a given date.

Section 3. This act shall become effective immediately upon its passage and approvel by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF ELMORE

Before me, the undersigned authority in and for said County in said State, this day personally appeared John P. Harris, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Wetumpka Herald, a newspaper of general circulation published in Elmore County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 11, Sept. 18, Sept. 25, and Oct 2, all in the year 1975.

JOHN P. HARRIS.

Sworn to and subscribed before me October 2, 1975.

MRS. ELLEN T. HARRIS,
Notary Public.

By Messrs. White, Hall, Tucker, Porter and Howard:

H. 168. Relating to counties having populations of not less than 600,000 inhabitants; to levy an additional license tax on cigarettes in such counties; to provide for the enforcement hereof, the collection of the tax and the disposition of the proceeds thereof; and to provide penalties for violation of the provisions of this act.

Local Legislation No. 2.

By Mr. Venable:

H. 169. To amend Sections 1, 3, 5, 6, 6-a, 7, 8, 16, 18, 21, 23, 29, 31, 37, 39, 47 & 48 of Act 663, S. 132, Acts of Alabama 1961, enacted at the 1961 Regular Session of the Legislature of Alabama, as amended, which said act provides for and regulates general and special elections in cities and towns of this state which have a population of 300,000 inhabitants or less, except those cities and towns which have a commission form of government; designating the date and time for regular elections, and authorizing the municipal governing body to call special elections; prescribing the manner of giving notice of municipal elections and of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cost; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such elections may be contested and the procedure for contest thereof; and providing that the costs of municipal elections shall be paid by the city or town holding such election; to require ninety days prior residency of candidates and to authorize the establishment of voting centers; said act is now codified as Chapter 3A, Title 37, Code of Alabama, Recomp. 1958.

Local Government.

By Mr. Venable:

H. 170. To amend Sections 2, 4, 6, 7, 7-a, 8, 9, 12, 16, 19, 22, 24, 30, 32, 38, 40, 48, and 49 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868) as amended, which Act provides for and regulates general and special elections in cities and towns of this state which have a population of 300,000 inhabitants or less and which have a commission form of government; designating the date and time for regular elections and authorizing the Board of Commissioners to call special elections; prescribing the manner of giving notice of municipal elections, of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such election may be contested and the procedure for contest thereof; and providing that the cost of municipal elections shall be paid by the city or town holding such elections; to require 90 days prior residency of candidates and to authorize the establishment of voting centers; said Act is now codified as Chapter 3B, Title 37, Code of Alabama, Recomp. 1958.

Local Government.

By Mr. Armstrong:

H. 171. To amend Act No. 79 of the Special Session of the Legislature of Alabama of 1966, approved August 17, 1966, (Ala. Acts, 1966 Special Session, p. 106 et seq.) as heretofore amended providing in Jefferson County for the creation and maintenance of districts for fighting or preventing fires, districts for the collection and disposal of garbage and districts for both of the aforesaid purposes.

Local Legislation No. 2.

By Messrs. Lutz and Starkey:

H. 172. Relating to counties having not less than 38,100 nor more than 40,500 population, according to the most recent federal decennial census; to provide a secretary for the District Attorney of the Circuit Court serving any such county a secretary who shall be appointed by the District Attorney, and serve at the pleasure of the District Attorney, and shall perform such duties as the District Attorney may direct. The said secretary may be removed from office at any time by the said District Attorney. The salary of such secretary shall be fixed by the District Attorney at a sum of not less than the salary received by the Clerk-Secretary to the presiding Circuit Judge of said County. The salary of said secretary shall be paid out of the county treasury of such county as the salaries of other county officers and employees are paid.

Local Legislation No. 1.

By Messrs. Boles, Biddle, Hall, McNair and Trammell:

H. 173. To name the Vocational Technical Building at Jefferson State Junior College for Dr. Thurston L. Faulkner; the Science Education Center for Dr. Harold C. Martin; and the Nursing Education Building for Dr. George L. Layton.

State Administration.

By Messrs. Boles, White, Jolly, Porter, McNair, Trammell and Hall:

H. 174. Providing a Uniform Honey Law, forbidding any product which is not pure honey from being branded or offered for sale as honey; providing penalties for violation of the act.

Agriculture.

By Mr. Boles:

H. 175. Relating to counties having a population of 600,000 or more inhabitants according to the most recent federal decennial census; imposing a privilege or license tax on persons, firms, and corporations engaged in the business of advertising; fixing the rate of the tax and providing for collection, enforcement, and distribution thereof.

Local Legislation No. 2.

By Mr. Boles:

H. 176. To regulate the collection, sale, labeling, and use of blood; providing a penalty for the violation of this act.

Health.

By Messrs. Lutz, Albright and Smith (B) (With Notice and Proof):

H. 177. To provide that One Thousand ($1,000.00) Dollars shall be transferred each month from the District Attorney's Fund of Madison County into the General Fund of Madison County to help defray the cost of providing parking for petit and grand jurors in said County.

Local Legislation No. 4.

Notice and Proof H. 177:

STATE OF ALABAMA
COUNTY OF MADISON

Notice is hereby given that a bill substantially as follows will be

introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide that One Thousand ($1,000.00) Dollars shall be transferred each month from the District Attorney's Fund of Madison County into the General Fund of Madison County to help defray the cost of providing parking for petit and grand jurors in said County.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of One Thousand ($1,000.00) Dollars shall be transferred from the District Attorney's Fund of Madison County into the General Fund of Madison County each month to help defray the cost of providing parking for petit and grand jurors in Madison County.

Section 2. The person having control of the District Attorney's Fund shall, on the first day of each month, issue a warrant for the amount provided in Section 1 of this Act, payable to the General Fund of Madison County or otherwise cause said amount to be transferred from the District Attorney's Fund into the General Fund.

Section 3. All laws or parts of laws, whether general, local or special, which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on July 7, 14, 21 and 29, 1975.

IDA MAE ECHOLS,
Legal Advertising Manager.

Sworn to before me this the 30 day of July, 1975.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 9, 1979.

By Messrs. Kinsey and McMillan:

H. 178. Relating to counties having a population of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census; to provide that the sheriff of such counties may sell supplies to prisoners and to provide for the disposition of revenue derived from such sales.

Local Legislation No. 1.

By Mr. Hines:

H. 179. Relating to counties having a population of not less than

34,875 nor more than 36,000 inhabitants according to the most recent federal decennial census, allowing the municipal governing bodies of the three largest municipalities located in any such counties to determine the closing hours for places selling alcoholic beverages within their respective city limits.

Local Legislation No. 1.

By Mr. Naramore:

H. 180. To amend the provisions of Act No. 763, H. 286, 1973 Regular Session, approved September 5, 1973, which provided a $5.00 per day subsistence allowance for certain law enforcement officers, so as to extend the provisions of said Act to state law enforcement officers employed by the Industrial Relations Department.

Ways and Means.

By Mr. Biddle:

H. 181. To authorize the Division of State Parks, Monuments and Historical Sites of the Department of Conservation and Natural Resources to do and perform through its own labor force maintenance within the parks system and capital improvement projects not exceeding Five Thousand Dollars ($5,000) in material cost and to further authorize said Division to purchase equipment and materials for said maintenance or capital improvement projects and to provide for the approval of accounting procedures by the Examiners of Public Accounts.

Conservation.

By Messrs. Crawford, Whatley, Folmar and Sasser (With Notice and Proof):

H. 182. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Eufaula, in Barbour County.

Local Legislation No. 1.

Notice and Proof H. 182:

STATE OF ALABAMA
COUNTY OF BARBOUR

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Eufaula, in Barbour County, said municipality, in addition to the lands now included, all of the following territory, to-wit:

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Eufaula in Barbour County are hereby altered, rearranged and extended so as to include within the corporate limits of U. S. Highway No. 431; thence East along present city limit line North of Old Creek Town Road to the point of beginning. Being bounded on the West and

South by present city limit line; on the North by property of Jones and Reeves; and on the East by property of U. S. Government.

Beginning at the intersection of the present city limit, 500 feet North of the Old Creek Town Road, and the U. S. Government property line between the U. S. Corps of Engineers Permanent Reference Mounments 21-A and 21-B; thence North 03 degrees 34 minutes East 1274.9 feet to monument 21-B; thence in a Westerly direction parallel to city limit line North of Old Creek Town Road a distance of 4300 feet, more or less, to present city limit line East of

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
BARBOUR COUNTY

Before me, Wilma Jinks, a Notary Public in and for said State and County, personally appeared Joel P. Smith, who being sworn, deposes and says on oath, that he is the Publisher of THE EUFAULA TRIBUNE, a newspaper published semi-weekly, in the City of Eufaula, Barbour County, Alabama, and that the foregoing attached notice was published in said newspaper four (4) times, the same appearing in the issues dated: September 9, 16, 23, 30, 1975.

Sworn to and subscribed before me this the 30th day of September, 1975.

WILMA JINKS,
Notary Public, Barbour Co., Ala.

By Messrs. Carter, Moore (W), Greer, Hill and Coburn:

H. 183. To amend Act No. 627, H. 1019, 1965 Regular Session (Acts 1965, p. 1142, now appearing in Code of Alabama, Recompiled 1958, Title 38, Section 135) entitled "An Act Relating to the development of the Elk River Watershed area; creating the Elk River Development Agency as an agency of the State of Alabama for such purpose; prescribing its authority, powers, duties, functions, and management; authorizing the agency to issue bonds, and the counties of Lauderdale and Limestone and municipalities therein to contribute funds and levy taxes for its use.

Ways and Means.

By Messrs. Carter and Moore (W):

H. 184. To amend the title and Section 1 of Act No. 314, H. 276, 1975 Regular Session, approved September 14, 1975, entitled "An Act Relating to counties having a population of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to authorize the county governing body of such counties to appropriate public funds to the use of rescue squads incorporated under the non-profit corporation laws of this state", so as to correct a typographical error in the population span in order that the new population span shall read "not less than 39,500 nor more than 41,750"; to make the provisions of this Act retroactive to September 14, 1975.

Local Legislation No. 1.

By Mr. Carter:

H. 185. To designate the Alabama Historical Commission as the agency responsible for retaining the historic and architectural integrity of the State Capitol, a National Historic Landmark.

State Administration.

By Messrs. Carter and Moore (W):

H. 186. To amend the title and Section 1 of Act No. 313, H. 275, 1975 Regular Session, approved September 16, 1975, entitled "An Act Relating to counties having a population of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to provide for paying the expenses of deputy sheriffs attending any school or training program where their expenses are not otherwise provided for by law," so as to correct a typographical error in the population span in order that the new population span shall read "not less than 39,500 nor more than 41,750"; to make the provisions of this Act retroactive to September 16, 1975.

Local Legislation No. 1.

By Messrs. Carter and Moore (W):

H. 187. To amend the title and Section 1 of Act No. 417, H. 278, 1975 Regular Session, approved September 18, 1975, entitled "An Act Relating to counties having populations of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to limit the liability of sheriffs for the acts of his deputies where he does not participate or where they do not act under his direction and control; to authorize the employment of an attorney out of county funds to advise and represent the sheriff," so as to correct a typographical error in the population span in order that the new population span shall read "not less than 39,500 nor more than 41,750"; to make the provisions of this Act retroactive to September 18, 1975.

Local Legislation No. 1.

By Messrs. Barron, Wyatt, Plaster and Lewis:

H. 188. To amend the title and Section 1 of Act No. 132, H. 78, 1967 Regular Session (Acts of 1967, p. 470) entitled, "An Act Fixing supplemental salaries of circuit judges in circuits composed of one county and having not less than six nor more than twelve circuit judges, and to authorize and provide for the payment of a monthly expense allowance for circuit judges in circuits composed of one county and having not less than six nor more than twelve circuit judges," so as to make the provisions of the Act apply to circuits composed of one county having not less than seven nor more than twelve circuit judges.

Judiciary.

By Mr. Hines:

H. 189. To provide for the temporary release of certain persons convicted of a felony and sentenced to a term of confinement and treatment in a state correctional institution under the jurisdiction of the Board of Corrections to seek employment and a place of residence in the community where he will reside after release from his sentence.

State Administration.

By Messrs. Albright, Lutz and Smith (B):

H. 190. To provide for the appointment of assistant district attor-

neys in the Twenty-third Judicial Circuit and for a graduated schedule of compensation for assistant district attorneys in the Twenty-third Judicial Circuit.

Ways and Means.

By Mr. Hines:

H. 191. To appropriate $50,000.00 from the general fund in the state treasury to the general fund of Escambia County as reimbursement for costs incurred in the trial of state inmates in that county.

Ways and Means.

By Mr. Clark:

H. 192. To amend Sections 3 and 4 of Act No. 1287, H. 1740, Regular Session, 1971 relating to the sale of alcoholic beverages in counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the most recent federal decennial census so as to regulate further the sale of alcoholic beverages in such counties.

Local Legislation No. 1.

By Messrs. Wyatt, McCulley, Warren, Holley, Johnstone, Crowe, Sasser, Starkey, Boles, Glass, Taylor, Ford, Greer, Hines, Jackson (F), Lockett, Baker, Johnson, Drake, Robertson, Howard, Turnham, McMillan, Malone and Plaster:

H. 193. To further amend Sections 1 and 3 of Act No. 470, S. 182, 1969 Regular Session [Acts 1969, p. 912—now appearing in Code of Alabama Recompiled 1958, Title 55, Section 488(1) and 488(3)], as amended, which Act relates to various expense allowances for state employees so as to provide for increases in subsistence and mileage allowances for such employees.

Ways and Means.

By Mr. Rich (With Notice and Proof):

H. 194. Relating to Etowah County, Alabama; according to the most recent federal decennial census; providing a method of issuing motor vehicle tags in such counties by the judge of probate.

Local Legislation No. 1.

Notice and Proof H. 194:

STATE OF ALABAMA
COUNTY OF ETOWAH

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Etowah County, Alabama; according to the most recent federal decennial census; providing a method of issuing motor vehicle tags in such counties by the judge of probate.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to Etowah County, Alabama.

The Probate Judge of Etowah County shall issue motor vehicle license tags by mail, using the United States Post Office, or its successor, upon the written application of a resident-owner of such motor vehicle signed by such owner requesting the judge of probate to issue the same by mail.

Section 2. The judge of probate issuing motor vehicle license tags under the provisions of this act shall collect, prior to issuing the same, all taxes, fees and other charges as may be required by law to be collected by the judge of probate, tax collector, or such other charges on motor vehicles and motor vehicle license tags, and he shall remit the same to such official charged by law with the duty of collecting such taxes, fees and other charges for distribution in accordance with law; and the addition thereto the judge of probate shall collect a handling and mailing fee in such amount as the county governing body may deem necessary to cover the county's expenses involved in providing this mail order service. The judge of probate shall pay this handling and mailing fee into the county treasury to the credit of the general fund.

Section 3. All costs of such mailing service conducted under the provisions of this act shall be paid by the county governing body, including forms, supplies, postage and such clerical help as might be required.

Section 4. The judge of probate issuing license tags under the provisions of this act shall be authorized to sign the assessment sheet or such other tax form as might be necessary on behalf of the taxpayer and such taxpayer shall be bound thereby as if he had signed the same in person.

Section 5. Any motor vehicle owner making written request for mail services under the provisions of this act shall be deemed to have appointed the United States Post Office Department, or its successor, as his agent for purposes of delivery of such license tag, and the license tag shall be presumed to have been issued to the applicant on delivery, postage prepaid, to a United State Post Office, or its successor, by the judge of probate issuing same.

Section 6. The judge of probate issuing motor vehicle license tags under the provisions of this act shall prescribe such rules and regulations for application of such license tags as he may deem reasonably necessary and may also issue notices to prior year motor vehicle licensees by mail with prepaid application forms stating the amount of taxes, fees and other charges due.

Section 7. The provisions of this act are cumulative and shall not repeal any special or local law in conflict herewith.

Section 8. Any delay in issuing motor vehicle license tags by mail under the provisions of this act shall be deemed to be the delay of the applicant.

Section 9. This act shall become effective on September 1, 1976.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF ETOWAH

Before me, the undersigned authority in and for said County in said State, this day personally appeared Angie Sharp, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Bookkeeper of the The Gadsden Times, a newspaper

of general circulation published in Etowah County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Oct. 18, Oct. 19, Oct. 26, and Nov. 2, all in the year 1975.

ANGIE SHARP.

Sworn to and subscribed before me Nov. 3, 1975.

PEGGY CULBERSON,
Notary Public.

By Messrs. Rich and Taylor:

H. 195. To provide for making a barber commission inoperative and the law creating such commission and defining its powers inoperative, except in certain cases. To provide for the procedure whereby the commission shall become inoperative and the procedure whereby, after it becomes inoperative, it can become operative again.

Local Legislation No. 1.

By Messrs. Rich and Taylor (With Notice and Proof):

H. 196. To provide that Etowah County construct, repair, and maintain all county roads on the basis of the county as a unit without regard to district or beat lines; to designate the duty of the county governing body to employ a county engineer and the qualifications for said engineer; to fix and designate the duties, powers and authority of said county engineer, and to fix the amount of his bond, provide for the approval of same and payment of premiums thereon; to provide for the fixing of a scale of wages and salaries; to designate the county engineer as the person to make requisitions for road supplies and equipment; to designate the county engineer as custodian of all tools, machinery, supplies, and equipment relating to roads in Etowah County; to provide for the setting aside of road funds by the county commission; provide penalties for violation of said Act; and for the expenditure of the same; to provide for emergencies; to repeal all laws in conflict with this Act.

Local Legislation No. 1.

Notice and Proof H. 196:

STATE OF ALABAMA
COUNTY OF ETOWAH

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide that Etowah County construct, repair, and maintain all county roads on the basis of the county as a unit without regard to district or beat lines; to designate the duty of the county governing body to employ a county engineer and the qualifications for said engineer; to fix and designate the duties, powers and authority of said county engineer, and to fix the amount of his bond, provide for the approval of same and payment of premiums thereon; to provide for the fixing of a scale of wages and salaries to designate the county engineer as the person to

make requisitions for road supplies and equipment; to designate the county engineer as custodian of all tools, machinery, supplies and equipment relating to roads in Etowah County; to provide for the setting aside of road funds by the county commission; provide penalties for violation of said act; and for the expenditure of the same; to provide for emergencies; to repeal all laws in conflict with this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. County roads in Etowah County shall be constructed, repaired, and maintained as a unit without regard to district or beat lines.

Section 2. The County governing body shall possess original and unlimited jurisdiction and authority respecting county roads and bridges within Etowah County.

Section 3. The jurisdiction and authority of the county governing body respecting roads and bridges shall not be delegated to nor exercised by any member of the governing body individually; such jurisdiction and authority shall be exercised solely by the governing body in joint session and by instructions to the county engineer appointed by and serving at the pleasure of the county governing body.

Section 4. The county engineer, whose salary shall be fixed by the county governing body, shall hold no other office or employment and shall devote his entire time to the duties of his office. He shall be qualified to practice engineering and surveying in Alabama and shall have had no less than three years experience in the construction and maintenance of highways and shall possess all of the qualifications as specified for County Engineers under the General Laws of the State of Alabama. Said County Engineer shall be appointed by the County Commission from a nomination made by the State Highway Director. If said nomination is not acceptable to said Commission the State Highway Director shall be requested to make additional nominations, should the State Highway Director refuse, or fail to make nominations, the Commission may fill the positions of County Engineer with any person who has the qualifications herein set out.

Section 5. It shall be the duty of the said County Engineer, (1) to employ, supervise and direct all such assistants as are necessary to properly maintain and construct the public roads, highways, and bridges of Etowah County, and he shall have employees for cause, or when not needed, subject to the approval of the county commission; (2) To perform such engineering and surveying services as may be required, and to prepare and maintain the necessary maps and records; (3) to maintain the necessary accounting records to reflect the cost of the County Highway system; (4) to build, or construct new roads and change old roads, but only when ordered to so by proper order of the County Commission; (5) It shall be his further duty to construct and maintain all county roads on the basis of the County as a unit, without regard to any district or beat line.

Section 6. The said County Engineer is hereby designated as the person authorized to make written requisition upon the County Commission, or its duty designated purchasing agency, for all articles, materials, supplies and the equipment necessary for the maintenance and construction of roads, bridges, and highways in Etowah County.

Section 7. It shall be the duty of the County Commission to fix, from time to time, in accordance with the prevailing economic conditions, the various scale of wages or salaries to be paid for labor necessary in the maintenance and construction of said roads, bridges, and highways,

and said wages or salary scale shall not be exceeded by said engineer in the employment of labor and assistants.

Section 8. Before entering upon his duties, the said County Engineer shall make and enter into a surety bond in the amount of ten thousand ($10,000) Dollars, payable to Etowah County, conditioned for the faithful discharge and performance of his duties as such engineer, and for the faithful accounting of all monies or property of said County which may come into his possession or custody; said bond to be executed by a surety company authorized and qualified to do business in Alabama, and to be approved by the Chairman of the County Commission; the premiums therein shall be paid by the County.

Section 9. The County Commission shall furnish the County Engineer with an office at the Court House, or elsewhere, at the County seat, and all necessary office supplies, and shall furnish him with necessary transportation in connection with his duties under this Act.

Section 10. The County Engineer shall be the custodian of all road tools machinery, supplies and equipment of Etowah County, and he shall be accountable for the same, at all times. The County Commission shall furnish the necessary storage facilities in which to keep said tools, machinery, supplies and equipment, and the County Engineer shall keep on files in his office at all times, an up to date inventory containing a list of all said tools, machinery, equipment and supplies belonging to Etowah County.

Section 11. The authority of said County Engineer shall be limited to the expenditure of such funds for the purpose of construction, maintenance, or repairs of public roads, bridges, and highways of Etowah County as may be set aside and appropriated by the County Commission, as hereinafter provided; it shall be the duty of said County Commission at some meeting in September of each calendar year, or not later than the first meeting in October following, by order or resolution spread upon the minutes, to fix and determine the amount of funds which will be available for the purpose of building, maintaining and constructing public roads, bridges and highways of Etowah County for the current fiscal year, beginning October 1st, which said County Engineer and his necessary expenses, shall not be exceeded by him in building, maintaining and constructing public roads, bridges and highways in Etowah County during said period; provided however, that said County Commission is authorized, from time to time within any such period, to increase the amount so allowed to be expended by said County Engineer during said period, when such authorization will not conflict with provisions of the General Law under the Budget Act Title 12, Section 74, of the Code of Alabama as recompiled 1958. And, provided, further that if such funds are presently available, and have not heretofore been set aside by the present County Commission of Etowah County.

Section 12. The County Engineer shall make written requisition to the Chairman of the County Commission for all materials, machinery, equipment, and necessary supplies needed for the construction, maintenance, or repair of the public roads, bridges, and highways of Etowah County. Said requisition shall be filed and presented by the Chairman to the Commission at its next meeting for the approval of the Commission.

Upon approval of said Commission, the County Purchasing Agent shall purchase such materials, machinery, equipment, and necessary supplies as provided for in Section 13, Act 432 or Act 829, Acts of Alabama, 1975 Regular Session.

Section 13. It shall be the further duty of the County Engineer to inspect all materials, machinery, equipment, and supplies, purchased by Etowah County for use on public roads, bridges, and highways, when the same is delivered, and the same shall not be accepted and paid for without first having been approved by him.

Sec. 14. The County Engineer, Road Supervisor, and Chairman and Associate Members of the Etowah County Commission, any member of their family, any dependents, or any relatives related either by blood or marriage in the third degree shall not do any business with Etowah County.

The County Engineer, Road Supervisor, and or Chairman and Associate Members of the Etowah County Commission shall not accept anything of value, including a gift, favor or service, bribe or kickback, based on any understanding that the official actions, services, and or decisions of said officials or employees would be influenced thereby or where it could be reasonably be inferred that the thing of value would influence such person(s) in the discharge of his (their) duties. Expenses associated with food afforded such officials or employees when such expenses are in an amount of less than one-hundred dollars ($100.00) per year shall not be deemed a thing of value within the meaning of this section or prohibited hereby.

Any person who violates any provision of this section (14) and is found guilty shall be removed from office or position of employment, fined not more than ten-thousand dollars ($10,000.00) or be imprisoned for not more than ten (10) years or both.

Section 15. In the event that the County Commission determines that it is not practical for the County Commission to employ an Engineer, as hereinabove provided for, then, in that event the County Commission shall employ a competent Road Supervisor who need not be an engineer, but when so employed, he shall have all the duties and authority of said engineer, and be subject to the provisions of this Act; it being the intention of this Act to provide that, when the county roads are to be maintained or constructed in said County, the supervision thereof shall be either under a County Engineer, as hereinabove provided for, or, by a Road Supervisor, who is not a member of the County Commission.

Section 16. It shall be the further duty of each member of the County Commission to inspect the roads of his district from time to time, and hear the suggestions and complaints of the citizens, and report the same to the County Commission with his recommendations; to advise with the County Engineer concerning the problems of his district, particularly; and to assist in securing rights-of-way, and assist in public relations generally.

Section 17. All laws and parts of laws, in conflict with the provisions of this Act are hereby repealed. In no way is it intended by the Legislature of Alabama that this Act shall repeal any provision of Act 432 or Act 829, Acts of Alabama, 1975 Regular Session (Etowah County Budget Control Act of 1975).

Section 18. Should any section, clause, or part of this Act, be declared invalid it shall not affect any other part thereof.

Section 19. This Act shall become effective on October 1, 1976.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF ETOWAH

Before me, the undersigned authority in and for said County in said State, this day personally appeared Angie Sharp, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Bookkeeper of the The Gadsden Times, a newspaper of general circulation published in Etowah County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Oct. 18, Oct. 19, Oct. 26, and Nov. 2, all in the year 19___.

ANGIE SHARP.

Sworn to and subscribed before me Nov. 3, 1975.

PEGGY CULBERSON,
Notary Public.

By Mr. Biddle:

H. 197. To provide for appointment and designation of Supernumerary Sheriffs of the several counties within this State; to prescribe qualifications for the participants in such commission as Supernumerary Sheriff; to prescribe regulations and procedures for participation in such commission as Supernumerary Sheriff and to repeal conflicting statutes.

Ways and Means.

By Messrs. Rich and Ford (With Notice and Proof):

H. 198. Relating to Etowah County: to provide for election of the county superintendent of education; to prescribe the qualifications, duties, term of office, and compensation of such officer; and to repeal Act No. 540, S. 593 of the Regular Session of 1967 and all other conflicting laws.

Local Legislation No. 1.

Notice and Proof H. 198:

STATE OF ALABAMA
COUNTY OF ETOWAH

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Etowah County; to provide for election of the county superintendent of education; to prescribe the qualifications, duties, term of office, and compensation of such officer; and to repeal Act No. 540, S. 593 of the Regular Session of 1967 and all other conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply only in Etowah County.

Section 2. The county superintendent of education of Etowah County shall be elected by only the qualified voters that reside in the area which he serves. The term of office of the superintendent of education shall be six (6) years. The superintendent must be a legal resident of such county. In the event of a vacancy in the office from any cause whatever, the county board of education shall fill such vacancy in the manner provided by the general laws of the State of Alabama, for the unexpired term until the next general election, at which time the position shall be filled for the remaining unexpired term.

Section 3. Any person who is employed by the county board of education or any board of education within the county who meets the qualifications for the office may run for the office of superintendent of education. An employee who does run for this office shall not be required to resign or take a leave of absence from the position which such person presently holds, so long as said person does not neglect the duties of his employment.

Section 4. The county superintendent of education of Etowah County shall be a person of good moral character, of recognized ability as a school administrator or as a classroom teacher, with academic accredited professional education equivalent to graduation from a standard university or college, having a master's degree, plus thirty (30) or more semester hours (or the equivalent) of successfully completed study at an accredited institution of higher learning on a graduate level, after having received a master's degree. (The last requirement is commonly referred to as the A. A. certificate.) Prior to being elected the superintendent shall have had at least five (5) years of public school administration experience or classroom teaching experience, or a combination of both.

Section 5. The Etowah County superintendent of education shall perform and discharge all the duties prescribed by general law for the county superintendent of education. The superintendent shall have the authority to appoint an assistant superintendent, if he deems an assistant necessary, and such assistant shall serve at the pleasure of the superintendent, and shall have the same qualifications as the superintendent. The superintendent shall also have all duties heretofore or hereafter prescribed by local law.

Section 6. The salary of the county superintendent of education and the assistant superintendent of education shall be fixed by the county board of education at an amount deemed adequate and feasible, which shall be payable at the time and in the manner prescribed by the general laws of Alabama regulating the payment of compensation of county superintendents of education.

Section 7. The provisions of this act relative to qualifications for office shall not apply to those who are currently serving as superintendent of assistant superintendent of education.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 9. Act No. 540, S. 593 of the Regular Session of 1967 and all other laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. It is intended that the provisions of this act relatively to election of

the superintendent shall be in effect at the primary and general election at which the term beginning January 1, 1977 shall be filled.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF ETOWAH

Before me, the undersigned authority in and for said County in said County in said State, this day personally appeared Walter Betz, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Secretary-Treasurer of the Gadsden Times, a newspaper of general circulation published in Etowah County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 12th, July 14th, July 20th, and July 27th, all in the year 1975.

WALTER BETZ.

Sworn to and subscribed before me 28th July, 1975.

PEGGY CULBERSON,
Notary Public.

By Messrs. Rich, Smith (J), Campbell, Albright and Starkey:

H. 199. To amend Code of Alabama 1940, Title 52, Section 158, which relates to the authority of a city board of education, so as to allow the county board of education to continue to operate an area vocational school in territory annexed to a city and to provide that certain children residing within such area, so annexed, may continue to go to the vocational school.

Education.

By Messrs. Moore (W) and Carter:

H. 200. To amend Section 1 of Act No. 281, H. 279, Regular Session 1969 (Acts 1969, p. 614) relating to the safe transportation of pupils to and from school so as to provide certain qualifications for school transportation managers or supervisors.

Education.

By Messrs. Weeks and McNees:

H. 201. Relating to all counties having a population of not less than 22,575 and not more than 23,800 inhabitants according to the most recent federal decennial census; providing for the appointment of a bailiff to serve in the circuit and county courts of such counties.

Local Legislation No. 1.

By Messrs. Martin, Gafford, Warren, Higginbotham, Kinsey, Starkey, Taylor, Ford, Falkenburg, Sasser, Moore (O), Greer, McCulley, Roberts, Pegues, Smith (M), Sparks, Mitchem, Holley, Trammell, Brindley, Carter, Moore (W), Hall, Hines, Lee, Manley, Kelley, Callahan, Sonnier, Malone, Reed, Hill, Teague, Waggoner, Drake, Weeks, Naramore, McCluskey, Armstrong, Venable, Coburn, Leonard, Boles, Robertson, Johnson, McNees, Quarles, Hopping, Williams, Crawford, Folmar, Wyatt, Barron, Owens, Holmes, McMillan, Killian and Rich:

H. 202. To amend Section 6, Act No. 1590, 1971 Regular Session (Acts 1971, p. 2721), relative to the licensing of ambulance drivers, by

excluding application of said Act No. 1590 to businesses or companies which provide free ambulance services to their employees.

Health.

By Mr. McCluskey:

H. 203. To repeal Act No. 604, H. 1753, Regular Session 1975, approved 5:00 P. M., October 1, 1975, entitled "Relating to all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the most recent federal decennial census; to provide for the compensation of certain county officers on a salary basis; to provide that the fees, commissions and allowances of such officers shall be deposited in the general fund of such counties; and to provide for the operation of the offices of such officers."

Local Legislation No. 1.

By Mr. McCluskey:

H. 204. To amend Section 105, Title 37, Code of Alabama 1940, as amended, so as to remove the limitations on salaries of commissioners in cities organized under the optional form of commission government, and to provide procedures for setting salaries of commissioners.

Local Government.

By Mr. McCluskey (With Notice and Proof):

H. 205. Relating to Coosa County; to provide for the compensation of certain county officers on a salary basis; to provide that the fees, commissions and allowances of such officers shall be deposited in the general fund of the county; and to provide for the operation of the offices of such officers.

Local Legislation No. 1.

Notice and Proof H. 205:

STATE OF ALABAMA
COUNTY OF COOSA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Coosa County; to provide for the compensation of certain county officers on a salary basis; to provide that the fees, commissions and allowances of such officers shall be deposited in the general fund of the county; and to provide for the operation of the offices of such officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The probate judge, circuit clerk, tax assessor, and tax collector of Coosa County shall receive in equal monthly installments from the general fund of the county the following annual salaries:

(a) Probate Judge 18,000.00

(b) Tax Assessor 15,000.00

(c) Tax Collector 14,000.00

(d) Circuit Clerk 16,000.00

(When also serving as register; provided when not serving as register he shall receive a salary of $13,000.00).

Such salaries shall be the entire compensation received by any of the above county officers for his services in any official or ex-officio capacity and shall be in lieu of all fees, commissions, allowances, percentages and other charges heretofore paid to any such officers.

Section 2. All fees, commissions, allowances, percentages and other charges heretofore collected for the use of said officers, shall hereafter be collected and paid into the general fund of the county.

Section 3. The governing body of Coosa County shall provide each of the above officers with such office personnel, clerks, deputies, and such quarters, books, stationery, furniture, equipment and other such conveniences and supplies as such governing body may consider necessary for the proper and efficient conduct of their respective offices. Compensation of any personnel so provided shall be fixed by said governing body and shall be paid in equal monthly installments out of the general fund of the county.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. The provisions of this Act shall become effective as to each of the above named officers at the expiration of the term of office of the incumbent provided an amendment to the Constitution has been adopted prior thereto authorizing a law regulating the compensation of certain officers of Coosa County.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF TALLADEGA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Charles H. Greer, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Sylacauga News, a newspaper of general circulation published in Talladega County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 29, October 6, October 13, and October 20, all in the year 1975.

CHARLES H. GREER.

Sworn to and subscribed before me 21st day of October, 1975.

LEE D. GREER,
Notary Public.

By Mr. McCluskey:

H. 206. To amend Section 73, Title 37, Code of Alabama 1940, as amended, so as to remove the limitations on the salaries of commissioners in municipalities organized under the commission form of government, and to provide procedures for setting salaries of commissioners.

Local Government.

By Mr. McCluskey:

H. 207. To provide clerical assistance for certain agencies in counties having a population of not less than 65,000 nor more than 68,000.

Local Legislation No. 1.

By Messrs. McCluskey, Pegues, Smith (M), Mitchem, Roberts, Venable, Campbell, Martin, Carter, Barron, Wyatt, Teague, Dial and Jolly:

H. 208. To provide a procedure for the presentation of tort claims against political subdivisions; providing exceptions to liability; establishing procedures for filing claims and the contents of such claims; providing for the handling of such claims; establishing jurisdiction and venue of such claims; barring recovery of punitive damages except in cases involving wrongful death; authorizing political subdivisions to purchase insurance and establishing minimum requirements of such insurance; and authorizing the levy of a tax or service charge as necessary to pay claims or judgments.

Local Government.

By Messrs. Carothers, Trammell, Boles, Roberts, Greer, Ford, Carter, Martin and Goodwin:

H. 209. To amend Act No. 298, H. 32, 1959 Regular Session (Acts 1959, p. 871; now appearing in Code of Alabama Recompiled 1958, Title 52, Section 103 (1)), relative to election of county superintendents of education to provide that no person residing outside the jurisdiction of such superintendent shall vote in the elections thereof; it repeals Act No. 38, H. 53, 1969 Special Session (Acts of 1969, p. 95; now appearing in the Code of Alabama Recompiled 1958, as Title 52, Section 103 (2)).

Education.

By Messrs. Rich and Taylor:

H. 210. To amend Section 3 of Act No. 2053, S. 122, 1971 Regular Session (Acts of 1971, p. 3290; now appearing in Code of Alabama, Recompiled 1958, Title 5, Section 318), entitled "To provide maximum finance charges for loans and credit sales; to regulate extensions of credit, including consumer loans, consumer credit sales and consumer leases; to provide penalties for violation of this Act; and to authorize the Superintendent of Banks to administer this Act"; so to set a limit on collection of default of one hundred dollars ($100.00).

Banking.

By Messrs. Rich, Brindley and Taylor:

H. 211. Providing that school bus drivers shall have up to 5 days of paid sick leave per year.

Ways and Means.

By Messrs. Rich and Taylor:

H. 212. Relating to all counties having a population of 90,000 to 100,000, in the most recent Federal Decennial census: To provide for the distribution of fines in certain cases.

Local Legislation No. 1.

By Mr. Rich (With Notice and Proof):

H. 213. To amend Section 1 of Act No. 626, H. 815, approved Sep-

tember 8, 1967 (Acts of Alabama, Organizational Special Regular Session 1967, Volume 2, Page 1430), an act entitled "To provide clerical assistance to the Circuit Clerk, Probate Judge, Tax Assessor, Tax Collector, Register in Chancery, County Judge and Sheriff of Cherokee County, Alabama, to provide for the selection, employment and discharging of such assistants, to fix their compensation and provide for the payment therefor out of the county funds", so as to include in paragraph 1 of said Section 1 the Office of the Deputy Solicitor; to repeal Act No. 197, H. 214, Special Session 1967 (Acts 1967, P. 243), as amended.

Local Legislation No. 1.

Notice and Proof H. 213:

1. PUBLIC NOTICE

NOTICE OF LOCAL BILL

Notice is hereby given that the following local bill, or substance thereof, will be introduced at the present or next session of the Legislature of Alabama, and application for passage of said local bill be made in such session of the Legislature.

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 1 of Act No. 626, H. 815, approved September 8, 1967 (Acts of Alabama, Organizational Special Regular Session 1967, Volume 2, Page 1430), an act entitled "To provide clerical assistance to the Circuit Clerk, Probate Judge, Tax Assessor, Tax Collector, Register in Chancery, County Judge and Sheriff of Cherokee County, Alabama, to provide for the selection, employment and discharging of such assistants, to fix their compensation and provide for the payment therefor out of the county funds", so as to include in paragraph 1 of said Section 1 the Office of the Deputy Solicitor; to repeal Act No. 197, H. 214, Special Session 1967 (Acts 1967, P. 243), as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 626, H. 815, approved September 8, 1967, is hereby amended to read as follows: "The Board of Revenue or other like Governing body of Cherokee County, Alabama, is required, authorized, and empowered to provide sufficient clerks, deputies and assistants to the following named officers of Cherokee County, Alabama: Circuit Clerk, Probate Judge, Tax Assessor, Tax Collector, Register in Chancery, County Judge, Sheriff and Deputy Solicitor.

Each of the foregoing named officers shall select their respective clerks, deputies and other assistants and shall fix their compensation subject to the prior approval of the Board of Revenue or other like Governing body of Cherokee County, Alabama.

Each of the foregoing named officers shall have the right to discharge their respective clerks, deputies and assistants at will. The salary or compensation of each of the clerks, deputies and assistants shall be paid in equal monthly installments out of the General Fund of Cherokee County, Alabama, upon separate Warrants drawn in the same manner as other employees of Cherokee County, Alabama, are paid.

Section 2. Act No. 197, H. 214, Special Session 1967 (Acts 1967, P. 243) as amended, is hereby expressly repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
COUNTY OF CHEROKEE

Before me, Lois M. Fleming a Notary Public in and for said county in said state personally appeared Joe Shaw, Jr. who, being by me first duly sworn, deposes and says that he is publisher of the Cherokee County Herald, a newspaper published in the City of Centre, Alabama, in Cherokee County, Alabama; that the attached is a true, correct and complete copy of notice of local bill as published in said newspaper once a week for four consecutive weeks, beginning on the 2nd day of July, 1975, ending on the 23rd day of July, 1975, that said newspaper has been so published in said town for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication and has a general circulation in said city and county; and that said newspaper has been entered as second class mail matter in the United States Post Office in said city for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication.

JOE SHAW, JR.

Sworn to and subscribed before me this 4th day of July, 1975.

LOIS FLEMING,
Notary Public.

By Messrs. Sasser, Carothers, Morris, White, Sandusky, Manley, Smith (M), Crowe, McCorquodale, Owens, Jackson (F), Pegues, Campbell, Glass, Martin, McNees, Moore (O), Wyatt, Carter, Gafford, Baker, Roberts, Moore (W), Crawford, Malone, Merrill, Biddle, Lutz, Hines, Callahan, Waggoner, McMillan, Smith (J), Sonnier, Folmar, Coburn, Falkenburg, Teague, Armstrong, Shelton, Dial and Weeks:

H. 214. To equalize the benefits payable under the Employees' Retirement System of Alabama and the Teachers' Retirement System of Alabama; to provide members of the Employees' Retirement System with up to four years military credit, and full retirement after thirty years of service, regardless of age, as has been previously granted members of the Teachers' Retirement System; to provide members of the Teachers' Retirement System retirement benefits based upon a final average compensation calculated upon the three highest of the last ten years of service, which has been previously granted members of the Employees' Retirement System; to provide for an increase in certain member contributions in order to insure future soundness and stability of the funds administered by the Retirement Systems of Alabama; and to provide for a long term decrease in the employer cost of funding said retirement systems and to provide that no appropriation is needed or required to implement the provisions of this Act.

State Administration.

By Mr. Sasser:

H. 215. To amend Title 55, Section 488(2), Code of Alabama 1940, so as to allow out-of-state travel for employees of institutions under control of the state board of education and employees of local boards of education without prior authorization by the governor, provided such

travel shall have been authorized by the president of the institution or the local superintendent of education involved.

Education.

By Mr. Sasser:

H. 216. To provide that full-time employees and executive officers of the Alabama Council for School Administration and Supervision may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Council and it employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

Education.

By Mr. Sasser (With Notice and Proof):

H. 217. To alter, rearrange and extend the boundaries of the Town of Blue Springs, so as to include within the corporate limits thereof certain additional territory in portions of Section 13, 14, 23, and 24, Township 8 North, Range 25 East, Barbour County, Alabama.

Local Legislation No. 1.

Notice and Proof H. 217:

STATE OF ALABAMA
COUNTY OF MORGAN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 324, H. 784, Regular Session of 1965 (Acts 1965 Regular Session, p. 443), which Act establishes a merit system for the City of Decatur, amending Section 15 of said Act so as to provide for leaves of absence for employees to seek election to public office in Morgan County, and amending Section 21 of said Act so as to limit the prohibited political activities which city employees can engage in to such activities in Morgan County.

Bt It Enacted by the Legislature of Alabama:

Section 1. Sections 15 and 21 of Act No. 324, H. 784, Regular Session of 1965 (Acts Regular Session 1965, p. 443), which establishes a merit system for the City of Decatur, are hereby amended to read as follows:

"Section 15. Absences; Hours of Work. Rules shall be adopted in the manner hereinbefore provided prescribing hours of work and the conditions and length of time for which leaves of absence with pay and leaves of absence without pay may be granted. These shall cover such matters as vacations, holidays, sick leaves, leaves for military service, and leaves granted so that the employee can seek election to public office in Morgan County.

"Section 21. Political Activities Prohibited. No person holding a position in the classified service shall seek or attempt to use any political endorsement in connection with any appointment to a position in the

classified service. No person holding a position in the classified service shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration. No employee holding a position in the classified service shall, directly or indirectly, pay or promise to pay any assessment, subscription, or contribution for any political organization or purpose, or solicit or take any part in soliciting any such assessment, subscription, or contribution. No person shall solicit any such assessment, subscription, or contribution of an employee holding a position in the classified service. No employee holding a position in the classified service shall be a candidate for nomination or election to any public office in Morgan County or shall take any part in the management or affairs of any political party or in any political campaign, except to exercise his right as a citizen privately to express his opinion and to cast his vote, unless on authorized leave of absence for such purpose. Any person holding a position in the classified service who violates any provision of this section may be disciplined by dismissal, suspension without pay, or demotion as provided in Section 17 of this act. In addition, any person, including but not limited to persons holding a position in the classified service (irrespective of whether or not such persons holding a position in the classified service have or have not theretofore been disciplined therefor as hereinbefore provided) who wilfully violates any provision of this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided by Section 327 of Title 15 of the Code of Alabama of 1940."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Lucy L. Ferguson, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Accounting Supervisor of the Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 25, Sept. 1, Sept. 8, and Sept. 15, all in the year 1975.

LUCY L. FERGUSON.

Sworn to and subscribed before me September 15, 1975.

ELIZABETH D. SANDLIN,
Notary Public.

By Messrs. Rich and Taylor

H. 218. To set priorities of duties for county road departments in all counties having a population of 90,000 to 100,000 inhabitants.

Local Legislation No. 1.

By Messrs. Glass, Hines, McCulley, Teague and Malone:

H. 219. To provide for a guaranteed minimum starting wage or salary for all state, county, municipal, or political subdivision law enforcement officers of this state and provide for the enforcement of the provisions of this act.

Ways and Means.

By Mr. Martin:

H. 220. To amend further Code of Alabama 1940, Title 37, Section 10, in relation to the incorporation of unincorporated communities, so as to provide for incorporating less than the area contained in the map or plat accompanying the petition for incorporation.

Local Government.

By Messrs. Hines and Warren:

H. 221. To amend Code of Alabama 1940, Title 15, Section 325 relative to place of confinement for persons sentenced to three years or less imprisonment.

State Administration.

By Mr. Morris:

H. 222. Relating to the Fifth Judicial Circuit, amending Act No. 485, S. 353, Regular Session 1963, pertaining to Solicitor fees collected in Fifth Judicial Circuit.

Judiciary.

By Messrs. Plaster and Edwards:

H. 223. To make an appropriation to Lowndes County Board of Education for the constructing and equipping of a school at Hayneville, Alabama.

Ways and Means.

By Messrs. Taylor, Johnson, Brindley and Leonard:

H. 224. To require that boards of education cooperatively develop a grievance procedure with its employees and that such a procedure shall be adopted by June 1, 1976.

State Administration.

By Mr. Rich (With Notice and Proof):

H. 225. Relating to Cherokee County: To provide further for the distribution of fines in certain cases.

Local Legislation No. 1.

Notice and Proof H. 225:

NOTICE OF LOCAL BILL

Notice is hereby given that the following local bill, or substance thereof, will be introduced at the present or next session of the Legislature of Alabama, and application for passage of said local bill be made in such session of the Legislature.

A BILL
TO BE ENTITLED
AN ACT

Relating to Cherokee County: To provide further for the distribution of fines in certain cases.

Be It Enacted by the Legislature of Alabama:

Section 1. One half of all fines hereafter paid by persons convicted in the Cherokee County Court of violations of the rules of the road, or laws of this state relating to or regulating traffic or the operation of motor vehicles upon the highways of this state, in cases filed by any Alabama State Trooper, shall be paid into the fine and forfeiture fund of Cherokee County, Alabama, and the remainder shall be paid by the proper authority to the State Treasurer, who shall credit the same to the proper fund in the State Treasury.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
COUNTY OF CHEROKEE

Before me, Lois M. Fleming a Notary Public in and for said county in said state personally appeared Joe Shaw, Jr. who, being by me first duly sworn, deposes and says that he is publisher of the Cherokee County Herald, a newspaper published in the City of Centre, Alabama, in Cherokee County, Alabama; that the attached is a true, correct and complete copy of notice of local bill as published in said newspaper once a week for four consecutive weeks, beginning on the 25th day of June, 1975, ending on July 16, 1975, that said newspaper has been so published in said town for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication and has a general circulation in said city and county; and that said newspaper has been entered as second class mail matter in the United States Post Office in said city for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication.

JOE SHAW, JR.

Sworn to and subscribed before me this 4th day of November, 1975.

LOIS FLEMING,
Notary Public.

By Messrs. Hill and Greer:

H. 226. Relating to all counties having populations of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; to provide for and regulate the holding of a referendum election in each such county to determine whether the construction and maintenance of the county roads shall be under the supervision and control of the state highway department or the county governing body; to provide for the organization, compensation and duties of a citizen's committee in each such county to study this subject and to make a report, including recommendations, of its study before the referendum; to authorize the county governing body to pay a per diem and expenses to the members of the committee, and to provide profes-

sional and clerical assistants to the committee, provided all such expenses shall not exceed the limit herein prescribed.

Local Legislation No. 1.

By Messrs. Hill and Greer:

H. 227. To amend Act No. 1620, H. 2009 of the Regular Session of 1971 (Acts 1971, p. 2779), which is entitled "An Act To provide for a clerk-hire allowance for a secretary for any judge of a county court operating within the Eleventh Judicial Circuit," so as to increase the clerk-hire allowance.

Local Legislation No. 1.

By Mr. Hill:

H. 228. To provide this state with standards for the uniform recognition of acknowledgments by notaries public and other authorized officials; and to prescribe short forms of acknowledgment.

Judiciary.

By Mr. Hill:

H. 229. To amend Sections 2, as amended, Section 3, as amended, Section 4, Section 7, Section 8, as amended, and Section 16 of Act No. 865, H. 138, 1961 Regular Session (Acts of 1961, p. 1349, now appearing in Code of Alabama, Recompiled 1958, Title 46, Sections 331, 332, 333, 336, 337, and 345), relating to the formation of unincorporated associations for the purpose of rendering professional service; so as to further regulate such associations.

Judiciary.

By Mr. Hill:

H. 230. To amend Section 21 of the Professional Corporation Act (Acts of 1971, p. 4524, now appearing in Code of Alabama, Recompiled 1958, Title 46, Section 366), so as to allow a consolidated or merged professional corporation to render both medical and dental services within a single professional corporation.

Judiciary.

By Mr. Hill:

H. 231. To authorize and provide for the deduction and withholding of dues to the Alabama State Employees' Association from the salaries of state employees who authorize such deductions.

State Administration.

By Messrs. Edwards and Plaster:

H. 232. To make an appropriation from the Special Educational Trust Fund to the Lowndes County Board of Education to be used for equipment for the vocational school in such county.

Ways and Means.

By Messrs. Manley, Coburn, Owens, Teague, White, Clark, Lee, Sonnier, Greer, Moore (O), Falkenburg, Carothers, Sandusky and Gafford:

H. 233. To repeal Act No. 1056, S. 1, Regular Session 1973 (Acts of 1973, p. 1699), as amended, entitled "An Act To establish a state ethics

commission and to provide a state ethics law which: Requires disclosures of certain economic interests and certain family connections to be filed by candidates for public offices, public officials and employees, and by persons having certain business dealings with the state, a county or municipality or its agencies or instrumentalities; proscribes certain practices by public officials and employees which conflict with the proper safeguarding of the public trust; requires the registration of persons engaged in activities designed to influence legislation and the making of certain reports by such persons and otherwise regulates such activities of such persons; prescribes penalties; provides for the enforcement of this act; prescribes the powers and duties of the ethics commission; and authorizes the commission to prescribe, promulgate and enforce rules, consonant with this law, to govern activities and disclosures by public officials and employees needed to safeguard the public trust in such governmental units."

State Administration.

By Mr. Manley:

H. 234. Amend Act No. 1180 of the 1975 Regular Session of the Alabama Legislature by changing the overtime provisions of said Act; defines state law enforcement officer and repeals all conflicting laws; and provides funding.

Ways and Means.

By Mr. Manley:

H. 235. Relating to motor vehicles; to increase minimum fines for certain traffic offenses, and for such purpose amending Code of Alabama 1940, Title 36, Sections 2, 3, 24, 30, 69, and 70, and Act No. 22, H. 1, Regular Session 1953; to provide for the disposition of the proceeds of such fines and for such purpose creating a state Law Enforcement Overtime Fund; and appropriating the monies deposited therein.

Ways and Means.

By Messrs. Manley, Clark, Lockett and Harris:

H. 236. To amend Sections 706 and 709 of Title 51, Code of Alabama 1940, and Act No. 35, Acts of Alabama, Regular Session, 1945, in order to provide for the report of change of ownership of a previously licensed motor vehicle and for the record of transfer of a motor vehicle license plate to be made to the Probate Judge of the County where the owner resides; to exempt licensed motor vehicle dealers from filing such reports of change of ownership for vehicles held for sale; to provide procedures to be followed in making such reports and records; and to increase the fee charged by the Probate Judge for recording the change of ownership of a motor vehicle to one dollar ($1.00).

Judiciary.

By Mr. Manley:

H. 237. To amend Section 5 and 19 of Act 765, Regular Session, 1973 Alabama Legislature, to remove the requirement of a copy of each security interest document when perfecting a security interest in a vehicle of a type which a certificate of title is required; and for related purposes; and to set an effective date.

Judiciary.

By Mr. Manley:

H. 238. To regulate further the Aid to Dependent Children program; to authorize and empower the Department of Pensions and Security to operate child support programs, locate absent parents, establish paternity, enforce child support obligations, to collect and distribute support payments, and to conform with certain provisions of the Social Security Act, as amended, in order to obtain maximum benefits under the Social Security Act, as amended; and to prescribe penalties.

Judiciary.

By Mr. Smith (M):

H. 239. To prescribe the date on which the regular annual session of the legislature shall commence each year.

State Administration.

By Messrs. Smith (M), Higginbotham and Turnham:

H. 240. To amend the title and Sections 1 and 4 of Act No. 29, H. 44, 1970 Extraordinary Session (Acts 1969-1970, p. 2631—now appearing in Code of Alabama 1940, Title 50, Sections 99 and 102), which Act provides for the incorporation of Districts, as public corporations, for the purpose of furnishing water service, sanitary sewer service, and fire protection service so as to bring the incorporation of certain solid wastes disposal districts within the purview of said Act and to repeal all conflicting statutes.

Conservation.

By Messrs. Smith (M), Higginbotham and Turnham:

H. 241. Relating to any county having a population of not less than 35,000 nor more than 38,000 according to the most recent federal decennial census; authorizing the county governing body to provide for the relief of Mrs. Bertha Mae Barber for injuries sustained in an automobile accident due to a defective county road.

Local Legislation No. 1.

By Messrs. Smith (M) and Higginbotham:

H. 242. Relating to any county having a population of not less than 35,000 nor more than 38,000 according to the most recent federal decennial census; to provide for purging the lists of registered voters in Beat Seven in said counties; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, the judge of probate, and the county commission relative to the re-identification of registered voters; and providing a penalty for making a false statement in connection with re-identification.

Local Legislation No. 1.

## RESOLUTIONS

The following resolutions were introduced:

By Messrs. Gafford, Drake, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, John-

stone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCorquodale, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. J. R. 5. COMMENDING L. B. STEPHENS UPON HIS RETIREMENT FOR HIS OUTSTANDING CONTRIBUTION IN THE FIELD OF PARDONS AND PAROLES AND HIS MANY YEARS OF SERVICE TO THE STATE.

WHEREAS, The Honorable L. B. Stephens, Executive Director of the State Board of Pardons and Paroles, has served in State Government for a period of thirty-five years; and,

WHEREAS, his wise and efficient administration has contributed significantly to public order and justice; and

WHEREAS, L. B. Stephens' leadership in his field has been evidenced by his election to high office in both state and national professional association; and

WHEREAS, L. B. Stephens is a respected and esteemed member of this community; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we most heartily commend L. B. Stephens for his accomplishments during an illustrious and fruitful career, and that we wish him a happy and contented retirement.

RESOLVED FURTHER, That copies of this resolution be sent to L. B. Stephens, the Alabama Journal, the Montgomery Advertiser and other Montgomery News Media.

On motion of Mr. Gafford, the rules were suspended and the resolution, H. J. R. 5, was adopted.

Also:

By Mr. Manley:

H. R. 6. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THAT when the House adjourns today, it adjourns to meet again on Tuesday, November 4, 1975, at 5:00 P. M.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 6, was adopted.

Also:

By Messrs. Killian, Brindley, Starkey, Ford, Hill, Weeks, Robertson, Falkenburg and Carter:

H. J. R. 7. ENCOURAGING THE ALABAMA CONGRESSIONAL DELEGATION TO VOTE AGAINST ANY FORM OF FEDERAL FINANCIAL AID TO THE CITY OF NEW YORK.

WHEREAS, the legislature recognizes and feels compelled to state that we as leaders at all levels of government must learn to operate our governments within our means; and

WHEREAS, New York City, the federal government, and the State of Alabama have been operating at levels beyond our means for some time; and

WHEREAS, the legislature goes on record as pledging to begin doing its part to help reverse this dangerous trend; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly urge our Congressional delegation in Washington to vote against any measure which would extend federal money to the City of New York or any other city for the purpose of paying or securing the city's financial obligations.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to our Congressional delegation in Washington, to wit: Senator John J. Sparkman, Senator James Browning Allen, Representative Jack Edwards, Representative William Louis Dickinson, Representative William Nichols, Representative Tom Bevill, Representative Robert E. Jones, Representative John Hall Buchanan, and Representative Walter Flowers.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Killian to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 7, was lost.

The resolution, H. J. R. 7, was read and referred to the Standing Committee on Rules.

Also:

By Messrs. Sonnier, Callahan and Malone:

H. J. R. 8. NAMING THE ALABAMA DEEP SEA FISHING RODEO, "THE OFFICIAL ALABAMA DEEP SEA FISHING RODEO."

WHEREAS, The Alabama Deep Sea Fishing Rodeo at Dauphin Island, Alabama has been a much enjoyed annual event for many years; and

WHEREAS, this great fishing rodeo attracts hundreds of out-of-state fishermen each year to our State; and

WHEREAS, the rodeo's out-of-state participants stimulate the local Dauphin Island economy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Deep Sea Fishing Rodeo held at Dauphin Island, Alabama be officially named, "The Official Alabama Deep Sea Fishing Rodeo."

On motion of Mr. Sonnier, the rules were suspended and the resolution, H. J. R. 8, was adopted.

Also:

By Mr. Biddle:

H. J. R. 9. RECOMMENDING THAT THE BIRMINGHAM VULCANS BE ADMITTED INTO THE NATIONAL FOOTBALL LEAGUE.

WHEREAS Alabama and the City of Birmingham have earned national acclaim as the "Football Capital of the South;" and

WHEREAS Alabamians are known throughout the nation as great football fans and supporters; and

WHEREAS the Birmingham Professional Football Organization has completed an outstanding win-loss record for two consecutive seasons; and

WHEREAS the Birmingham Professional Football Organization won the title of World Bowl Champions for 1974 and was the leading team in the W. F. L. for 1975; and

WHEREAS the Birmingham Professional Football Organization held the 1975 record for best attendance in the W. F. L.; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully request the National Football League to take immediate action to admit the Birmingham Professional Football organization into the N. F. L.

On motion of Mr. Biddle, the rules were suspended and the resolution, H. J. R. 9, was adopted.

Also:

By Mr. Robertson:

H. J. R. 10. CREATING A SELECT JOINT INTERIM COMMITTEE TO STUDY THE FEASIBILITY OF INITIATING A PILOT PRISONER RELEASE PROGRAM.

WHEREAS, the state of the penal systems in the nation and in this state has been a cause for great alarm and vital concern to all citizens, and solutions to the multiple and complex problems thereby created have been elusive; and

WHEREAS, in Alabama we earnestly seek to resolve the problems surrounding the overcrowding of prisons and recidivism, and the rehabilitation of inmates in order to return them to the mainstream of society as productive and contributing members; and

WHEREAS, the magnitude of the problems, federal court orders and the state of the economy have placed an unusually severe economic burden on this state, heretofore unknown; now therefore

BE IT RESOLVED BY THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Select Joint Interim Committee composed of three members from the House and two members from the Senate, and one representative each appointed by the Directors of the Alabama Board of Corrections and the Alabama Highway Department, members of the Alabama Trade School and Junior College Authority, and the Director of the Manpower Training Service Program. The purpose of the Committee shall be to study the feasibility of and make recommendations to initiate a joint state and federal pilot Prisoner Release Program for prisoners to work on, maintain, repair, build or construct roads, bridges, culverts and dams in the State of Alabama. The members of the committee shall elect a chairman from among its membership. The areas to be considered by the Committee shall include the number of prisoners up to 200 who would participate; the criteria the prisoner must meet to qualify for participation, the instruction and training available and/or needed to be offered to the prisoner-participant in the fields of the operation of equipment, including heavy equipment, and the maintenance and repair of same; and the state and federal agencies who shall participate. The Committee shall explore the cost and all avenues available to finance the joint pilot Prisoner Release Program and particularly the federal finance available.

BE IT FURTHER RESOLVED, That the Committee shall have the authority to inquire of and obtain information from all pertinent state agencies and departments it deems relative in completing its study. All such departments, boards, bureaus, commissions, agencies, offices and institutions of the state shall and are hereby directed to cooperate fully with the Committee and shall furnish any and all information that may be requested by the Committee.

RESOLVED FURTHER, That upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the Committee's work. The Committee shall report in writing its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the next regular session of the legislature, at which time the Committee shall be dissolved.

On motion of Mr. Robertson, the rules were suspended and the resolution, H. J. R. 10, was adopted.

Also:

By Mr. Robertson:

H. J. R. 11. URGING THE ALABAMA CONGRESSIONAL DELEGATION TO USE THEIR PERSUASION TO INFLUENCE THE FEDERAL GOVERNMENT'S PARTICIPATION IN ALABAMA'S PILOT PRISONER RELEASE PROGRAM.

WHEREAS, the Legislature of the State of Alabama recognizes that citizens throughout the breadth and length of this land are alarmed and vitally concerned that the national and state penal systems have degenerated into an abysmally monstrous state of chaos, and solutions to the multiple and complex problems thereby created have been elusive; and

WHEREAS, the Legislature of the State of Alabama has created a select joint interim committee to study and initiate a pilot prisoner release program to involve the manpower, intellectual and monetary resources of the federal and state governments; and

WHEREAS, the purpose of the program is to help restore a sense of dignity to the incarcerated by providing an opportunity for them to learn skills which will equip them to earn a livelihood upon their return to society, and to direct the prisoners' energies in productive channels which will benefit the state; and

WHEREAS, the primary phase of the proposed program under study is to concentrate this endeavor in using prisoners to work on, maintain, repair, build or construct roads, bridges, culverts and dams in the State of Alabama; and

WHEREAS, Title 42, Section 2610b, USCA, the Manpower Development and Training Program, directs the Secretaries of Labor and Health, Education and Welfare to work with officials of federal, state, and local institutions to develop and carry out experimental and demonstration programs of training and education for persons in correctional institutions; and

WHEREAS, the Legislature of the State of Alabama believes this proposed pilot program will benefit citizens everywhere; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Congressional delegation is urged to use their persuasion to influence the Congress, the

federal government and appropriate federal agencies to cooperate, work with and lend their manpower and monetary resources for the implementation of this state's pilot prisoner release program.

BE IT FURTHER RESOLVED, That the Legislature of the State of Alabama does hereby urge other states to develop prisoner programs of a similar nature.

FURTHER RESOLVED, That copies of this resolution be sent to all members of the Alabama Congressional delegation and to Legislative Councils of all the states.

On motion of Mr. Robertson, the rules were suspended and the resolution, H. J. R. 11, was adopted.

Also:

By Mr. McCulley:

H. J. R. 12. COMMENDING THE SYLACAUGA BEAUTIFICATION COUNCIL.

WHEREAS, the Sylacauga Beautification Council has won a national award from "Keep America Beautiful" for the third straight year, winning the small community category; and

WHEREAS, the Council's outstanding civic achievements include the restoration of the Old Sylacauga Cemetery, the operation of a recycling center, and the improvements of the grounds of the county building; and

WHEREAS, the winning of this year's award places the council in the President's Society, which is the Hall of Fame for "Keep America Beautiful"; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend the Sylacauga Beautification Council upon its outstanding achievements.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 12, on the Clerk's desk for one legislative day.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originiated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration: By Messrs. Owen, Bank, Mims, McDonald (A), Gilmore and Jones:

S. J. R. 3. SUSPENDING S. J. R. 13, THIRD SPECIAL SESSION, 1975, FOR THE CURRENT SPECIAL SESSION.

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That S. J. R. 13, Third Special Session, 1975, is hereby suspended and declared inoperative during the Fourth Special Session of the Alabama Legislature, 1975, commencing on November 3, 1975.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Crowe, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 3, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Owen, Bank, Mims, McDonald (A), Fine, Gilmore and Jones:

S. J. R. 2. TO PROVIDE FOR THE DAY TO DAY ADJOURNMENT OF BOTH HOUSES OF THE ALABAMA LEGISLATURE DURING THE FOURTH SPECIAL SESSION OF THE ALABAMA LEGISLATURE, 1975.

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That when we adjourn today, we adjourn to meet on Tuesday, November 4, 1975; and when we adjourn on Tuesday, November 4, 1975, we adjourn to meet on Wednesday, November 5, 1975; and when we adjourn Wednesday, November 5, 1975, we adjourn to meet Thursday, November 6, 1975; and that when we adjourn Thursday, November 6, 1975, we adjourn to meet Friday, November 7, 1975.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Crowe, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 2, set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced:

By Mr. McNees:

H. J. R. 13. COMMENDING REVEREND W. M. REEVES UPON HIS RETIREMENT.

WHEREAS, the Reverend W. M. Reeves of Vernon, Alabama has recently retired after 50 years service in the Baptist Ministry; and

WHEREAS, Reverend Reeves was a devoted community leader who served his people with great love and dedication; and

WHEREAS, Reverend Reeves reflected the uncommon endowments of foresight, preserverence and capacity for spiritual guidance and he shall be keenly missed in his chosen field of ministry; and

WHEREAS, this legislature would like to pay tribute to this fine gentleman who has made a significant and lasting contribution to the people of this state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Reverend Reeves upon his retirement.

RESOLVED FURTHER, That a copy of this resolution be sent to Reverend W. M. Reeves.

On motion of Mr. McNees, the rules were suspended and the resolution, H. J. R. 13, was adopted.

Also:

By Mr. Kinsey:

H. J. R. 14. COMMENDING STEVE McMILLAN UPON BEING NAMED BALDWIN COUNTY "REALTOR OF THE YEAR."

WHEREAS, Steve McMillan was named "Realtor of the Year" by the Baldwin County Board of Realtors on September 29, 1975; and

WHEREAS, Steve McMillan has been a realtor for sixteen years in the Stockton community; and

WHEREAS, Steve McMillan has devoted himself to the betterment of his community and has given of his time and talents to the North Baldwin United Fund, the Bay Minette Chamber of Commerce, the Baldwin County Planning Commission, and a multitude of other civic affairs; and

WHEREAS, Steve McMillan, (who is the brother of our illustrious and able colleague, Representative John M. McMillan, Jr.), earned the recognition as Realtor of the Year because of the spirit in which he has served and the contributions he has made to the citizens of his community; and his strict adherence to the Realtor Code of Ethics and his strong moral fibre; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend Steve McMillan for his outstanding service and the zeal, dedication and enthusiasm with which he has worked for the betterment of his community; we do congratulate him on his exemplary conduct which has brought distinction to his profession and to himself.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Steve McMillan and to Representative John M. McMillan, Jr.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 14, on the Clerk's desk for one legislative day.

Also:

By Messrs. Kinsey and McMillan

H. J. R. 15. COMMENDING ROBERTA FULLER SPEH, NAMED BY SOUTH BALDWIN BUSINESS AND PROFESSIONAL WOMEN "WOMAN OF ACHIEVEMENT."

WHEREAS, for her many and outstanding contributions to the community of Baldwin County, the South Baldwin Business and Professional Women selected Roberta Fuller Speh as "Woman of Achievement"; and

WHEREAS, Mrs. Speh has brought distinction to herself by her dedicated and effective work in the mental health field, and her artistic talents; and

WHEREAS, the lovely Mrs. Speh is secretary to the Baldwin County

Mental Health-Mental Retardation Center director and public information officer, and manages the operation of the Foley Transitional Home; and

WHEREAS, under her direction the Foley Transition Home initiated a day treatment program which has benefitted many citizens of this state; and

WHEREAS, Mrs. Speh was born and reared in Cleveland, Ohio, and adopted Alabama as her home three years ago; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do extend our heartiest congratulations and commend Mrs. Roberta Fuller Speh on being named South Baldwin Business and Professional Women's "Woman of Achievement" and commend her for her zeal, dedication and enthusiasm in the service of her fellow citizens in the field of mental health, and we do appreciate the inspiration her example imbues.

BE IT FURTHER RESOLVED, That the Clerk of the House shall send a copy of this resolution to Mrs. Roberta Fuller Speh.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 15, on the Clerk's desk for one legislative day.

Also:

By Messrs. Kinsey and McMillan:

H. J. R. 16. CONGRATULATING MR. AND MRS. HARRIS C. GRANT ON THEIR TWENTY-FIFTH WEDDING ANNIVERSARY.

WHEREAS, Mr. and Mrs. Harris C. Grant of Baldwin County, Alabama, pledged their lives and exchanged vows of holy matrimony on the altar of love twenty-five years ago; and

WHEREAS, this lovely couple was recently honored by their family and friends on the momentous occasion of their twenty-fifth wedding anniversary; and

WHEREAS, this union has been blest with six fine children; and

WHEREAS, during the sterling span of twenty-five years of marriage Mr. and Mrs. Harris C. Grant have been an inspiration to all who know them; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily congratulate Mr. and Mrs. Harris C. Grant on their silver anniversary and wish for them many more years of marital bliss.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent by the Clerk of the House to Mr. and Mrs. Harris C. Grant.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 16, on the Clerk's desk for one legislative day.

Also:

By Messrs. Kinsey and McMillan:

H. J. R. 17. CONGRATULATING GEORGE ENGEL FOR HIS OUTSTANDING SERVICE IN RURAL ELECTRIC COOPERATIVES, LOCALLY AND NATIONAL.

WHEREAS, George Engel recently received special recognition from the National Rural Electric Cooperative Association when he was presented the Board Member's Certificate at the national meeting for rural electric cooperatives, Cooperatives Region III, held in Louisville, Kentucky; and

WHEREAS, George Engel in order to qualify for the award had to attend many workshops and seminars, including seminars on "Being the Board Member—The Total Job," "Being Most Effective as Board Members in Seminars I, II, and III," and "Planning—The Board's Primary Responsibility;" and

WHEREAS, Mr. Engel has been a member of the Baldwin County Electric Membership Corporation (EMC) since July, 1958, and has served as its president since March, 1971; and

WHEREAS, Mr. Engel is a member of the Alabama Rural Electric Association (AREA), and presently he is serving a second term as its president; and

WHEREAS, George Engel has exhibited dedication, zeal and professional acumen by his service to EMC and AREA; now therefore

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we do heartily congratulate George Engel on receiving the National Rural Electric Cooperative Association Board Member's Certificate, and we do commend him for his long years of dedication, zeal, and hard work in the field of rural electric cooperatives, nationally, for the State of Alabama and Baldwin County.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent by the Clerk of the House to Mr. George Engel.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 17, on the Clerk's desk for one legislative day.

Also:

By Mr. Owens:

H. J. R. 18. CREATING THE CAHABA RIVER COMMISSION.

WHEREAS the Cahaba River is one of the most historic and beautiful rivers in the State of Alabama; and

WHEREAS there is need for the creation of a Cahaba River Commission; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a commission to be known as the Cahaba River Commission to consist of ten members.

There is hereby created a commission to be known as the Cahaba River Commission to consist of ten (10) members. Two (2) such members shall be residents of each of the following counties: Jefferson, Shelby, Bibb, Perry and Dallas. All members are to be appointed by the Governor for a term of six (6) years; however, of the first members appointed one shall be appointed from Jefferson County and one appointed from Bibb County shall be for a term of five (5) years; one appointed from Shelby County and one appointed from Perry County shall be for four (4) years, one appointed from Bibb County and one appointed from Dallas shall be for three (3) years, one appointed from Perry County

and one appointed from Jefferson County shall be for two (2) years, and one appointed from Dallas County and one from Shelby County shall be for one (1) year. All subsequent appointments to fill vacancies caused by the expiration of the term shall be for six (6) years. A chairman of the commission shall be elected by the members making up such commission.

The Cahaba River Commission shall have authority to make recommendations and conduct studies pertaining to the environmental impact of any actions or activities on the river.

The members of the Cahaba River Commission shall not receive any compensation or reimbursement for any expenses incurred by such members.

The Cahaba River Commission shall report their activities and recommendations to the Alabama Legislature from time to time.

The resolution, H. J. R. 18, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Manley:

H. J. R. 19. CREATING A JOINT SUPERNUMERARY STUDY COMMITTEE.

WHEREAS the proliferation of supernumerary public officials in this state during the current session of the legislature has been unbelievable; and

WHEREAS many of these supernumerary positions have been created without adequate actuarial studies or any real basis for creating a supernumerary position; and

WHEREAS there is great need for the study and careful consideration of this problem by the legislature in order to put all supernumerary positions on a sound actuarial and fiscal basis; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint select interim supernumerary study committee to be composed of four members of the House and four members of the Senate to be appointed by the presiding officer of each house. The members of the committee shall elect from among their membership a chairman and a vice chairman. The committeee shall study all facets of supernumerary positions within the State of Alabama.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1976 Regular Session. Whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisitions signed by the committee's chairman.

The fiscal officers of the House and Senate, the staff of the State Employees' Retirement System and the staff of the State Insurance De-

partment are hereby directed to furnish such aid and assistance to the committee as it may request.

The resolution, H. J. R. 19, was read and referred to the Standing Committee on Rules.

Also:

By Messrs. Venable, Plaster and Cates:

H. J. R. 20. PROCLAIMING THE 8TH ANNUAL MILLBROOK FESTIVAL, ARMED FORCES DAY CELEBRATION THE OFFICIAL MONTGOMERY AREA ARMED FORCES DAY CELEBRATION.

WHEREAS Armed Forces Day will be Celebrated on May 15, 1976; and

WHEREAS the members of the Armed Forces will be honored at the 8th annual Millbrook Festival, Armed Forces Day Celebration on May 15, 1976;

WHEREAS the Elmore County Bicentennial Committee has designated the Millbrook Festival, Armed Forces Day Celebration an official bicentennial event; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the 8th annual Millbrook Festival, Armed Forces Day Celebration be designated the Official Montgomery Area Armed Forces Day Celebration.

BE IT RESOLVED FURTHER, That copies of this resolution be sent to the Alabama Journal, the Montgomery Advertiser, the Wetumpka Herald, the Prattville Progress, the Tallassee Tribune, and other news media of the Montgomery area.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 20, on the Clerk's desk for one legislative day.

Also:

By Mr. Owens:

H. J. R. 21. DIRECTING THE DEPARTMENT OF PUBLIC SAFETY TO PROVIDE SECURITY TO THE LEGISLATURE OF THE STATE OF ALABAMA.

WHEREAS, due to the trying times and the harrassment and danger to elected officials, the Legislature of Alabama feels that there is a need that they be furnished security along with other elected officials; and

WHEREAS, the members of the Legislature of the State of Alabama are in session every year and numerous people from all walks of life visit the Capitol of the State of Alabama and are allowed to come and go at will; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it desires the Department of Public Safety to furnish such security as is necessary to insure the safety of the members of the Legislature and provide the order necessary to carry out the legislative duties.

BE IT FURTHER RESOLVED That the Clerk of the House of Representatives is instructed to deliver a copy of this resolution to the Director of the Department of Public Safety.

The resolution, H. J. R. 21, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Smith (J):

H. J. R. 22. CREATING A JOINT INTERIM COMMITTEE TO STUDY RETIREMENT PROGRAM BENEFITS FOR JUDICIAL EMPLOYEES OTHER THAN THOSE ON SUPERNUMERARY STATUS.

WHEREAS, during the regular session of the legislature there was a proliferation of legislation for the benefit of judicial employees; and

WHEREAS, much of this legislation was passed without adequate actuarial studies or consideration of the long-range fiscal consequences; and

WHEREAS, there is a great need for the study and careful analysis of this problem by the legislature in order to establish sound actuarial and fiscal responsibility; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint select interim committee to be composed of four members of the House and four members of the Senate to be appointed by the presiding officer of each house. The members of the committee shall elect from among its membership a chairman and vice chairman. The committee shall study all of the facets of the retirement program benefits for judicial employees other than those on a supernumerary status.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1976 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisitions signed by the committee's chairman.

The fiscal officers of the House and Senate, the staff of the State Employees' Retirement System and the staff of the State Insurance Department are hereby directed to furnish such aid and assistance to the committee as it may request.

The resolution, H. J. R. 22, was read and referred to the Standing Committee on Rules.

Also:

By Messrs. Brindley, Drake, Sparks, Kelley, Killian, Starkey and Roberts:

H. J. R. 23. URGING THE SPELLING OF "BRINDLEE MOUNTAIN PARKWAY AND "BRINDLEE MOUNTAIN" BE CORRECTED TO BRINDLEY.

WHEREAS Brindley Mountain, located in Cullman and Marshall counties was named for the Brindley family who came to America around 1795, and produced a long line of descendants who distinguished themselves by their unselfish public service to this state; and

WHEREAS one of the most prominent of the Brindley descendants was Mace Thomas Payne Brindley, the only son of Mrs. Phoebe Brindley who settled near Brindley Mountain with her son and six daughters; and

WHEREAS Mace T. P. Brindley served in this august body as representative of Blount County from 1839 until 1941 when he was elected to the senate from Blount and Marshall counties where he served his constituents for fourteen years; and

WHEREAS Mace T. P. Brindley further served his community as a school teacher, probate judge and clerk of the circuit court; and

WHEREAS the Cullman County Historical Commission has chosen to restore the cemetery where Mace Thomas Payne Brindley is buried; and

WHEREAS it was Mace T. P. Brindley, at the age of fourteen who caused the first clearing of the woods atop Brindley Mountain for one of the first roads to its summit; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we encourage the proper spelling of Brindley Mountain Parkway and Brindley Mountain be reflected on all publications, signs and markers designating the parkway so that the Brindley family will receive the recognition it earned; we, therefore, do instruct the Highway Department and the Department of Publicity and Information to correct the spelling of the name "Brindlee" to Brindley on all signs, markers and publications.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Highway Department and the Department of Publicity and Information.

The resolution, H. J. R. 23, was read and referred to the Standing Committee on Rules.

## ADJOURNMENT

On motion of Mr. Callahan and pursuant to the resolution, H. R. 6, heretofore adopted, the House adjourned until 5:00 o'clock p. m., Tuesday, November 4, 1975.

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## SECOND DAY

House of Representatives
Montgomery, Alabama
Tuesday, November 4, 1975

The House met pursuant to adjournment.

## PRAYER

The session was opened with prayer by the Reverend Lester Spencer, Pastor, Aldersgate United Methodist Church, Montgomery, Alabama.

## ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark,

Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—103

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the first legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the first legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the first legislative day was approved.

NOTICE IN WRITING

Mr. Crowe filed the following Notice in Writing:

Notice is hereby given in accordance with House Rules that on the next legislative day a motion will be made to amend the rules of the House by adding the following:

It is required that the synopsis on general bills include a statement of the source of funding if funding is involved in the bill. Also local bills affecting state revenue shall be included.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, H. J. R. 18, and ordered same returned to the House with a favorable report:

CREATING THE CAHABA RIVER COMMISSION.

On motion of Mr. Drake, the resolution, H. J. R. 18, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, H. J. R. 19, and ordered same returned to the House with a favorable report:

CREATING A JOINT SUPERNUMERARY STUDY COMMITTEE.

On motion of Mr. Drake, the resolution, H. J. R. 19, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported

that said Committee in session had acted on the resolution, H. J. R. 21, and ordered same returned to the House with a favorable report:

DIRECTING THE DEPARTMENT OF PUBLIC SAFETY TO PROVIDE SECURITY TO THE LEGISLATURE OF THE STATE OF ALABAMA.

On motion of Mr. Owens, the resolution, H. J. R. 21, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, H. J. R. 23, and ordered same returned to the House with a favorable report:

URGING THE SPELLING OF "BRINDLEE MOUNTAIN PARKWAY AND "BRINDLEE MOUNTAIN" BE CORRECTED TO BRINDLEY.

On motion of Mr. Drake, the resolution, H. J. R. 23, was adopted.

BILLS ON SECOND READING

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 9. (With Substitute): To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1976.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 234. Amend Act No. 1180 of the 1975 Regular Session of the Alabama Legislature by changing the overtime provisions of said Act; defines state law enforcement officer and repeals all conflicting laws; and provides funding.

H. 235. Relating to motor vehicles; to increase minimum fines for certain traffic offenses, and for such purpose amending Code of Alabama 1940, Title 36, Sections 2, 3, 24, 30, 69, and 70, and Act No. 22, H. 1, Regular Session 1953; to provide for the disposition of the proceeds of such fines and for such purpose creating a state Law Enforcement Overtime Fund; and appropriating the monies deposited therein.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 214. To equalize the benefits payable under the Employees' Retirement System of Alabama and the Teachers' Retirement System of Alabama; to provide members of the Employees' Retirement System with us to four years military credit, and full retirement after thirty years of service, regardless of age, as has been previously granted members of the Teachers' Retirement System; to provide members of the Teachers' Retirement System retirement benefits based upon a final average compensation calculated upon the three highest of the last ten years of

service, which has been previously granted members of the Employees' Retirement System; to provide for an increase in certain member contributions in order to insure future soundness and stability of the funds administered by the Retirement Systems of Alabama; and to provide for a long term decrease in the employer cost of funding said retirement systems and to provide that no appropriation is needed or required to implement the provisions of this Act.

H. 101. To amend Act No. 276, S. 170, 1971 Third Special Session (Acts of 1971, p. 4543) [now appearing in Code of Alabama, Recompiled 1958, Title 23, Section 64(17)-64(35)] amending Sections III, IV, VI, VII, XII, and XIII of such act known as the "Highway Beautification Act—Outdoor Advertising"; so as to provide control of outdoor advertising sings outside of an urban area beyond 660 feet of the right-of-way of interstate or primary highway systems; to provide for Court proceedings, evidentiary matters and procedures; to provide for just compensation for removal of such signs and to provide penalties for violations.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 95. (With Amendment): To amend Section 259 of Title 46 of the Code of Alabama 1940, as amended, relating to the qualifications of applicants, to expedite the licensure of United States citizens who are graduates of foreign medical schools.

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 90. To create in the State of Alabama a "Joint Advisory Board of Family Practice" to further the supply of competent family physicians; to provide for the Board's membership number and selection; and to establish the duties and authorities of the Advisory Board.

Mr. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 49. To exempt bonds, notes, warrants, other evidences of indebtedness or securities issued by any municipality, by any county, by any public corporation heretofore or hereafter organized or created in the State of Alabama pursuant to authorization, determination, finding or other action of any municipality or municipalities or county or counties or the governing body of any one or more thereof, or by any city or county board of education from all laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940, as amended.

H. 210. To amend Section 3 of Act No. 2053, S. 122, 1971 Regular Session (Acts of 1971, p. 3290; now appearing in Code of Alabama, Recompiled 1958, Title 5, Section 318), entitled "To provide maximum finance charges for loans and credit sales; to regulate extensions of credit, including consumer loans, consumer credit sales and consumer leases; to provide penalties for violation of this Act; and to authorize

the Superintendent of Banks to administer this Act"; so to set a limit on collection of default of one hundred dollars ($100.00).

Mr. Kinsey, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 86. To amend Sections 373 and 744 of Act No. 407, H. 198, Legislature of Alabama of 1971, approved August 25, 1971, entitled "An Act to provide a comprehensive revision, consolidation and classification of the laws of the State of Alabama relating to insurance and to the insurance business; to regulate the incorporation, formation, and affairs of domestic insurance companies, societies, and associations, and the admission of foreign alien insurance companies, societies and associations; to provide their rights, powers and immunities, and to prescribe the conditions on which insurance companies, societies, and associations organized, existing, or authorized under this Act may exercise their powers; to provide the rights, powers and immunities and to prescribe the conditions on which other persons, firms, corporations, and associations engaged in or affected by an insurance business may exercise their powers; to provide for service of process on unauthorized insurers and the conditions for defense of actions brought against them in this State; to provide for certain powers, rights, obligations, and consequences as to insurers and other persons relative to insurance contracts and annuity contracts and matters arising from such contracts; to provide for the imposition of licenses, fees, and taxes and for the disposition thereof; to provide for the departmental supervision and regulation of the insurance business within or relative to this State; making appropriations; to provide penalties for the violation of this Act; to repeal certain laws and Acts, and for other purposes," which relate to the Standard Nonforfeiture and Standard Valuation Laws applicable to life insurance companies so as to increase the interest rates used in determining minimum nonforfeiture and reserve values for contracts issued by such companies, and to substitute modern mortality tables in determining the reserve values for annuity contracts.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 3. Relating to persons engaged in the business of buying and selling livestock required to be licensed and bonded; to amend Section 3 of Act No. 568, S. 201, Legislature of 1969, approved August 29, 1969 (Acts of 1969, Vol. II, p. 1049) by requiring persons engaged in the business of buying and selling livestock as a livestock dealer to pay an annual license fee of $20.00; to provide for the effective date of this Act.

H. 7. To amend Section 1 of Act No. 238, H. 288, approved July 27, 1953 (Acts of Alabama of 1953, Vol. I, p. 303) an Act providing for the designation of certain employees of the Department of Agriculture and Industries as "Cattle Theft Investigators" with authority of peace officers, etc.; to amend said Act No. 238 of 1953 to designate such employees of the Department of Agriculture and Industries as "Livestock Theft Investigators" with the power and authority of peace officers to conduct investigations and make arrests for any unlawful offense which may be exercised anywhere within the State of Alabama.

Mr. Carter, Chairman, of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bills

and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 71. To amend Act No. 751, Acts of Alabama, 1965 Regular Session, relating to the cost of purchasing non-resident hunting licenses.

H. 96. To amend Title 8, Section 39, Code of Alabama 1940, as amended, pertaining to annual non-resident fishing licenses, so as to require said license if a non-resident desires to fish in any fresh water, whether public or private, in this State, increasing its cost from $5.00 to $10.50; to amend Title 8, Section 40, Code of Alabama 1940, as amended, pertaining to non-resident trip fishing licenses, so as to require a non-resident to have said license in order to fish in any fresh water, whether public or private, in this State, increasing its cost from $2.00 to $3.50; and to amend Title 8, Section 41, Code of Alabama 1940, as amended, pertaining to the penalty for fishing without a license, so as to make it unlawful to fish in any water in this State without the appropriate license.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 87. Proposing an amendment to the Constitution of Alabama relating to a provisional budget for the State Public Educational System in certain circumstances.

The above bill was read a second time at length as required by the Constitution.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 208. To provide a procedure for the presentation of tort claims against political subdivisions; providing exceptions to liability; establishing procedures for filing claims and the contents of such claims; providing for the handling of such claims; establishing jurisdiction and venue of such claims; barring recovery of punitive damages except in cases involving wrongful death; authorizing political subdivisions to purchase insurance and establishing minimum requirements of such insurance; and authorizing the levy of a tax or service charge as necessary to pay claims or judgments.

H. 220. To amend further Code of Alabama 1940, Title 37, Section 10, in relation to the incorporation of unincorporated communities, so as to provide for incorporating less than the area contained in the map or plat accompanying the petition for incorporation.

H. 58. To remove the authority of the Public Service Commission to promulgate any rule or regulation or to in any way interfere with the operation of any company furnishing water for public human consumption.

H. 62. To amend Section 440, Title 37, Code of Alabama 1940, as amended, so as to provide for the establishment of the salary of the mayor in municipalities organized and operating under the mayor-council form of government; to require the council to fix the salary of the mayor at least six months prior to the next general municipal election.

H. 108. To require a notification procedure for the issuance by counties, cities, towns, municipalities and public corporations of industrial revenue bonds under Act No. 178 enacted at the 1961 Extra Session of the Alabama Legislature (1961 Acts, p. 2147, et seq.), as amended (relating to industrial revenue bonds to be issued by counties), Act No. 756, enacted at the 1951 Regular Session of the Alabama Legislature (1951 Acts, p. 1307, et seq.) as amended (relating to industrial revenue bonds to be issued by municipalities), Act No. 648, enacted at the 1949 Regular Session of the Alabama Legislature (1949 Acts, p. 991, et seq.) as amended (relating to industrial revenue bonds to be issued by industrial development boards), Act No. 516, enacted at the 1955 Regular Session of the Alabama Legislature (1955 Acts, p. 1160, et seq.) as amended (relating to industrial revenue bonds to be issued by medical clinics boards), Act No. 4, enacted at the 1956 Second Special Session of the Alabama Legislature (1956 Acts, p. 240, et seq.), as amended (relating to industrial revenue bonds to be issued by certain municipalities to finance hotel and motel projects), Act No. 337 enacted at the 1971 Third Extra Session of the Alabama Legislature (1971 Acts, p. 4625, et seq.) (relating to industrial revenue bonds to be issued by certain municipalities to finance hotels and motels projects), to provide, in addition to their present functions and duties, the functions and duties of the Alabama Securities Commission and its Director (established under Act No. 740 enacted at the 1969 Regular Session of the Alabama Legislature, Acts of 1969, p. 1316, et seq. with respect to such industrial revenue bonds, to establish and provide for the membership, functions and duties of the State Industrial Revenue Bond Advisory Council; to authorize the issuance of stop orders by the Alabama Securities Commission and/or the Director delaying or prohibiting the issuance of industrial revenue bonds; to provide for certificates of notification by the Director, the effect of such certificate, and a remedy for failure or refusal of the Director to issue such certificate; to provide for the assessment of filing fees by the Securities Commission; to provide criminal penalties for willful violations of this act or stop orders issued thereunder; and to provide relief from stop orders of the Director by readoption by the governing body of the issuer of the authorizing proceedings, or from stop orders issued by the Alabama Securities Commission by judicial validation under Title 7, Section 169, et seq., Alabama Code of 1940, as amended (relating to the judicial validation of securities issued by counties, cities and towns) and Act No. 859 of the 1953 Regular Session of the Alabama Legislature (Acts of 1953, p. 1148, et seq. (relating to the judicial validation of securities issued by boards and public corporations) and as supplemented in this act for proceedings hereunder, and relief from stop orders of the Council by such judicial validation.

H. 161. To provide that all monies received by Counties from motor vehicle license taxes and registration fees under provisions of Title 51 § 713, Code of Alabama, as amended shall be deposited in a fund known as the Public Highway and Traffic Fund and used for the purpose of construction, improvement and maintenance of public highways or streets including administrative expenses in connection therewith, retirement of securities evidencing obligations incurred for payment of cost of such construction, improvement and maintenance, costs of traffic regulation and expense of enforcing state traffic and motor vehicle laws.

H. 165. To authorize each municipality in this State to acquire, finance, establish, own, use, operate, manage and control parks, playgrounds, and recreational or athletic areas situated wholly or in part outside of its corporate limits; to provide the conditions upon which a park, playground, or recreational or athletic area may be used or established within the corporate limits or police jurisdiction of another municipality or within a county other than that of that in which the

municipality establishing the same shall be situated; to provide that all authority heretofore and hereafter granted to municipalities with respect to parks, playgrounds, and recreational or athletic areas within the corporate limits of a municipality shall be applicable to and may be exercised by a municipality with respect to any park, playground, or recreational or athletic area located wholly or in part outside of its corporate limits; to provide that a municipality may join and cooperate with one or more other municipalities in acquiring, financing, refinancing, providing, establishing, installing, using, and managing parks, playgrounds, and recreational or athletic areas, making the same common to the use of such municipalities and in fixing and charging fees and in making rules and regulations for the conduct, management and use thereof and that all such municipalities shall jointly have the same powers and authorities conferred by the Act upon each; to provide that neither the Act nor anything therein contained shall be construed as a restriction or limitation upon any power which a municipality might otherwise have under any laws of the State and that the Act shall be construed as cumulative of any such powers; to declare conflicting laws inapplicable; to declare that the provisions of this Act are severable; and to provide the effective date of this Act.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 169. (With Amendment): To amend Sections 1, 3, 5, 6, 6-a, 7, 8, 16, 18, 21, 23, 29, 31, 37, 39, 47 & 48 of Act 663, S. 132, Acts of Alabama 1961, enacted at the 1961 Regular Session of the Legislature of Alabama, as amended, which said act provides for and regulates general and special elections in cities and towns of this state which have a population of 300,000 inhabitants or less, except those cities and towns which have a commission form of government; designating the date and time for regular elections, and authorizing the municipal governing body to call special elections; prescribing the manner of giving notice of municipal elections and of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate received a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such elections may be contested and the procedure for contest thereof; and providing that the costs of municipal elections shall be paid by the city or town holding such election; to require ninety days prior residency of candidates and to authorize the establishment of voting centers; said act is now codified as Chapter 3A, Title 37, Code of Alabama, Recomp. 1958.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 204. To amend Section 105, Title 37, Code of Alabama 1940, as amended, so as to remove the limitations on salaries of commissioners in cities organized under the optional form of commission government, and to provide procedures for setting salaries of commissioners.

H. 206. To amend Section 73, Title 37, Code of Alabama 1940, as amended, so as to remove the limitations on the salaries of commissioners in municipalities organized under the commission form of government, and to provide procedures for setting salaries of commissioners.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 170. (With Substitute): To amend Sections 2, 4, 6, 7, 7-a, 8, 9, 12, 16, 19, 22, 24, 30, 32, 38, 40, 48, and 49 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868) as amended, which Act provides for and regulates general and special elections in cities and towns of this state which have a population of 300,000 inhabitants or less and which have a commission form of government; designating the date and time for regular elections and authorizing the Board of Commissions to call special elections; prescribing the manner of giving notice of municipal elections, of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such election may be contested and the procedure for contest thereof; and providing that the cost of municipal elections shall be paid by the city or town holding such elections; to require 90 days prior residency of candidates and to authorize the establishment of voting centers; said Act is now codified as Chapter 3B, Title 37, Code of Alabama, Recomp. 1958.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1. To create a board of trustees of the policemen and firemen's retirement fund of the City of Gadsden, Alabama to provide for the composition of said board; to provide for a secretary-treasury of said board and custodial care of such funds; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amounts payable to widows or dependents; and to provide appeals from any decision of said board.

H. 12. To amend Section 3 of Act No. 2220, H. 2829, 1971 Acts of the Regular Session (Acts 1971, Vol. V, p. 3566), entitled "Relating to all counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census; to impose a tax upon the sale by liquor licensees of spirituous or vinous liquors and an additional tax on malt or brewed beverages when sold for on-premises consumption; providing for the administration of this Act and the collection and use of the proceeds; requiring permits for taxable sales of spirituous and vinous liquors and malt or brewed beverages; and providing penalties for violations of this Act," so as to delete provisions

levying an additional tax on certain malt or brewed beverages, and regulate further the tax on spirituous liquor.

H. 13. Proposing an amendment to the Constitution of Alabama to authorize regulation of the fees, commissions, percentages, allowances and compensation of county officers of Coffee County and of costs and charges of courts in said county.

The above bill was read a second time at length as required by the Constitution.

H. 14. Relating to counties having a population of not less than 34,100 nor more than 34,900 inhabitants according to the most recent federal decennial census, further regulating the employment and compensation of certain personnel employed in the offices of the probate judge, tax assessor, tax collector and circuit clerk in such counties, and providing for the payment of the compensation of such employees from the general funds of the counties to which this act applies.

H. 16. Relating to all counties having a population of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; placing the probate judge, the tax assessor, the tax collector and the circuit clerk on a salary basis of compensation.

H. 20. Relating to all counties having a population of not less than 50,000 nor more than 52,500 inhabitants according to the most recent federal decennial census; authorizing the county governing body of such counties to develop and establish a prisoner rehabilitation program which would include a livestock raising and farming area for the purpose of inmates occupying their time in supplementing prison food, and including the leasing or purchasing of land for such purpose and purchasing equipment and supplies incident thereto; providing that the cost for such program be paid out of the county general fund and from funds designated for prisoners' feeding allowance; and prescribing penalties for violations by inmates.

H. 21. Relating to counties having a population of not less than 50,000 nor more than 52,500 according to the most recent federal decennial census; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of any such counties; and providing penalties for violation hereof.

H. 32. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all severance taxes on coal levied by any such county; authorizing said Department of Revenue to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections.

H. 33. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all gasoline taxes levied in such counties, and authorizing said Department to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections.

H. 39. Relating to the location of liquor stores; to amend Code of

Alabama 1940, Title 29, Section 73, to exempt cities having populations of not less than 12,350 nor more than 12,370 inhabitants therefrom.

H. 98. Relating to counties having a population of not less than 45,500 nor more than 52,000 inhabitants according to the most recent federal decennial census; authorizing nighttime hunting of racoons and opossums under certain conditions.

H. 100. To amend Section 1 of Act No. 812, H. 1831, 1975 Regular Session of the Legislature, relating to clerk hire allowances for the tax asssessor and tax collector in all counties having a population of not less than 13,500 nor more than 14,250 inhabitants according to the most recent decennial census so as to provide further for the amounts of such allowances.

H. 132. To repeal Act No. 51, S. 326, 1971 Regular Session, (Acts 1971, p. 301) entitled "An Act Relating to counties having populations of not less than 16,350 nor more than 16,650, according to the most recent federal census; to fix compensation and traveling expenses of the Superintendent of Education; and to repeal conflicting laws."

H. 135. To amend further Section 3 of Act No. 1945, H. 584, Regular Session of the 1971 Alabama Legislature (Acts 1971 Regular Session, p. 3143), which authorizes, provides for, and regulates the employment and compensation of a county engineer or a chief engineer of the Division of Public Roads in each county in the state, and prescribes his qualifications, so as to provide that in Cleburne County the county engineer need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of said county engineer's salary.

H. 136. Relating to all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the most recent federal decennial census; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

H. 139. Relating to counties having populations of 10,660 or less inhabitants according to the most recent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in such counties.

H. 150. Relating to all counties having populations of not less than 65,500 nor more than 75,200 inhabitants according to the most recent decennial census; providing further for the government of all such counties; abolishing the county commission and creating a new commission in lieu thereof; providing for the selection of the members of such commission; prescribing their qualifications, terms, and compensation; providing for the organization and jurisdiction of the commission hereby created, and for the powers and duties of the individual members thereof; providing for and regulating county purchasing and the custody and use of certain county property; divesting the highway department of certain county functions and duties in relations to roads and bridges in all such counties, heretofore transferred to it, and revesting such functions in the county governing body of all such counties, providing, however, for the construction, maintenance and repair of county roads on the unit basis; providing for the transfer of certain funds, equipment, material and personnel from the state highway department to the commission hereby created; providing for the payment of salaries of certain county employees; providing that this Act shall become effective only upon a referendum at which two questions shall be submitted: 1. Shall the county take over the construction of its own roads and bridges? and

2. Shall the present governing body of the county be abolished and a new governing body be created as prescribed in this Act?

H. 153. To provide authority to the governing body of cities in this state having not less than 60,000 nor more than 70,000 people, according to the last or any subsequent Federal decennial census, to employ a special police officer; providing for his condition of employment; providing for his tenure and compensation.

H. 160. Relating to all counties having populations of not less than 57,000 nor more than 61,000; providing further for the compensation and expenses of the circuit clerk and register in such counties.

H. 167. Relating to Elmore County; to provide an additional expense allowance for the county license inspector, and furnishing proof thereof.

H. 178. Relating to counties having a population of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census; to provide that the sheriff of such counties may sell supplies to prisoners and to provide for the disposition of revenue derived from such sales.

H. 179. Relating to counties having a population of not less than 34,875 nor more than 36,000 inhabitants according to the most recent federal decennial census, allowing the municipal governing bodies of the three largest municipalities located in any such counties to determine the closing hours for places selling alcoholic beverages within their respective city limits.

H. 182. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Eufaula, in Barbour County.

H. 184. To amend the title and Section 1 of Act No. 314, H. 276, 1975 Regular Session, approved September 14, 1975, entitled "An Act Relating to counties having a population of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to authorize the county governing body of such counties to appropriate public funds to the use of rescue squads incorporated under the non-profit corporation laws of this state", so as to correct a typographical error in the population span in order that the new population span shall read "not less than 39,500 nor more than 41,750"; to make the provisions of this Act retroactive to September 14, 1975.

H. 186. To amend the title and Section 1 of Act No. 313, H. 275, 1975 Regular Session, approved September 16, 1975, entitled "An Act Relating to counties having a population of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to provide for paying the expenses of deputy sheriffs attending any school or training program where their expenses are not otherwise provided for by law," so as to correct a typographical error in the population span in order that the new population span shall read "not less than 39,500 nor more than 41,750"; to make the provisions of this Act retroactive to September 16, 1975.

H. 187. To amend the title and Section 1 of Act No. 417, H. 278, 1975 Regular Session, approved September 18, 1975, entitled "An Act Relating to counties having populations of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to limit the liability of sheriffs for the acts of his deputies where he does not participate or where they do not act under his direction and control; to authorize the employment of an attorney out of county funds to advise and represent the sheriff," so as to correct a typographical

error in the population span in order that the new population span shall read "not less than 39,500 nor more than 41,750"; to make the provisions of this Act retroactive to September 18, 1975.

H. 192. To amend Sections 3 and 4 of Act No. 1287, H. 1740, Regular Session, 1971 relating to the sale of alcoholic beverages in counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the most recent federal decennial census so as to regulate further the sale of alcoholic beverages in such counties.

H. 195. To provide for making a barber commission inoperative and the law creating such commission and defining its powers inoperative, except in certain cases. To provide for the procedure whereby the commission shall become inoperative and the procedure whereby, after it becomes inoperative, it can become operative again.

H. 201. Relating to all counties having a population of not less than 22,575 and not more than 23,800 inhabitants according to the most recent federal decennial census; providing for the appointment of a bailiff to serve in the circuit and county courts of such counties.

H. 203. To repeal Act No. 604, H. 1753, Regular Session 1975, approved 5:00 P. M., October 1, 1975, entitled "Relating to all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the most recent federal decennial census; to provide for the compensation of certain county officers on a salary basis; to provide that the fees, commissions and allowances of such officers shall be deposited in the general fund of such counties; and to provide for the operation of the offices of such officers."

H. 205. Relating to Coosa County; to provide for the compensation of certain county officers on a salary basis; to provide that the fees, commissions and allowances of such officers shall be deposited in the general fund of the county; and to provide for the operation of the offices of such officers.

H. 207. To provide clerical assistance for certain agencies in counties having a population of not less than 65,000 nor more than 68,000.

H. 213. To amend Section 1 of Act No. 626, H. 815, approved September 8, 1967 (Acts of Alabama, Organizational Special Regular Session 1967, Volume 2, Page 1430), an act entitled "To provide clerical assistance to the Circuit Clerk, Probate Judge, Tax Assessor, Tax Collector, Register in Chancery, County Judge and Sheriff of Cherokee County, Alabama, to provide for the selection, employment and discharging of such assistants, to fix their compensation and provide for the payment therefor out of the county funds", so as to include in paragraph 1 of said Section 1 the Office of the Deputy Solicitor; to repeal Act No. 197, H. 214, Special Session 1967 (Acts 1967, P. 243), as amended.

H. 217. To alter, rearrange and extend the boundaries of the Town of Blue Springs, so as to include within the corporate limits thereof certain additional territory in portions of Section 13, 14, 23, and 24, Township 8 North, Range 25 East, Barbour County, Alabama.

H. 225. Relating to Cherokee County: To provide further for the distribution of fines in certain cases.

H. 226. Relating to all counties having populations of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; to provide for and regulate the holding of a referendum election in each such county to determine whether the construction and maintenance of the county roads shall be under the

supervision and control of the state highway department or the county governing body; to provide for the organization, compensation and duties of a citizen's committee in each such county to study this subject and to make a report, including recommendations, of its study before the referendum; to authorize the county governing body to pay a per diem and expenses to the members of the committee, and to provide professional and clerical assistants to the committee, provided all such expenses shall not exceed the limit herein prescribed.

H. 227. To amend Act No. 1620, H. 2009 of the Regular Session of 1971 (Acts 1971, p. 2779), which is entitled "An Act To provide for a clerk-hire allowance for a secretary for any judge of a county court operating within the Eleventh Judicial Circuit," so as to increase the clerk-hire allowance.

Mr. Callahan, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 112. To repeal Act No. 933, H. 781 of the Regular Session of the Legislature of 1975, approved October 9, 1975 (M. S.) entitled: "An Act, To amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939, (Local Acts, 1939, p. 298) which creates and establishes the county-wide Civil Service System in Mobile County."

H. 113. Providing further for the solemnization of marriages in counties having populations of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; providing for the appointment of a person authorized to solemnize marriages in each such county in addition to those persons now authorized by law to solemnize marriges; prescribing the qualifications, term of office, powers and duties of persons hereby authorized to solemnize marriages; and providing that any charge for a marriage ceremony shall not exceed the amount allowed the probate judge for such ceremony.

H. 114. Relating to all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census to authorize the governing body and election officials of those counties which use voting machines which produce printouts that contain all required data regarding registering or recording and computing the vote at all elections to use such printout sheets and to make any required certificates or statements thereon; providing that such shall satisfy the provisions of Alabama Code 1940, Title 17, Chapter 1, Article 7.

H. 116. This bill repeals Act No. 1167, S. 1179 of the Regular Session of the Legislature of 1975, approved October 10, 1975 (m. s.), entitled: "An Act To provide for Supernumerary-Retired Probate Judges in all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census; to prescribe the qualifications, term, duties, powers, authority, compensation and benefits of such supernumeraries; to provide for a Probate Judges Retirement Fund in such counties; to regulate the administration and supervision of said fund and to repeal all conflicting statutes."

Mr. Barron, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 73. To amend Section 2 of Act No. 478, Regular Session, 1961, dealing with composition of, appointment, term and compensation of members; officers, rules and regulations of museum boards of any municipality in the State of Alabama having a population of not less than one hundred thousand (100,000) nor more than two hundred thousand (200,000) according to the last or any subsequent federal decennial census.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 103. To make appropriations to the Alabama Forestry Commission for construction of an automotive maintenance and repair shop, mechanics salaries, and equipment and parts for such shop.

H. 10. To make an appropriation from the general fund in the state treasury to be used by the Alabama Conservation committee named in the State of Alabama's contract with Michie and Bobbs-Merrill Company for the purposes of the contract; namely, revising, digesting and codifying the statutes of the state of a general and permanent nature, and otherwise implementing the adoption and publication of a new code.

H. 11. To make an additional appropriation from the State treasury to the use of the Legislative Reference Service for the payment of costs of printing and publishing the index of local laws, for cost of equipment, supplies and for other expenses.

H. 109. To authorize Alabama State Docks Department, with the approval of the Governor, to sell and issue from time to time not exceeding $10,000,000 principal amount of revenue bonds for the purpose of the construction, improvement and equipment of additional seaport facilities at the Port of Mobile for the handling and storage of coal, coke, or any other materials in bulk or containers, or any other method of shipment; to provide for the details of the bonds issued hereunder, the execution thereof, the method of sale thereof, and the application of the proceeds from the sale thereof; to provide that bonds issued hereunder shall not be or constitute a debt of the State of Alabama, shall not pledge the faith or credit of the State of Alabama, shall bear such rate or rates of interest as may be specified in the order of the Department without regard to statutory limitations on interest rates, and shall be limited obligations payable solely out of revenues of the Department derived from its special handling charge, and out of revenues from a severance tax on coal; the pledge of the special handling charge for payment of the said principal and interest and that such pledge will constitute a charge on the revenues so pledged; to provide for, appropriate and authorize the pledge of a sufficient portion of a severance tax levied by Act No. 2305 adopted by the 1971 Regular Session of the Legislature of Alabama, as amended by the Act adopted by the 1975 Fourth Special Session of the Legislature of Alabama that was introduced as House Bill ____ at that session, to the extent necessary to pay the principal of and interest on said bonds and to create reserves therefor and that such pledge will constitute a charge on the revenues so pledged; to authorize the publication of notice of the adoption of an order authorizing the issuance of bonds hereunder and limiting the time within which any action may be brought to set aside or contest the validity of any such bonds or any proceedings authorizing or any pledge or instrument securing the said bonds; to provide that all bonds issued hereunder and the income therefrom shall be exempt from all taxation; and to provide that bonds issued hereunder shall be deemed negotiable instruments, and may be used to

secure deposits or funds of the State of Alabama or of any instrumentality or agency of the State, and shall be lawful for the investment of fiduciary funds; to authorize the investment of proceeds of the bonds not presently needed for the purpose for which they are issued; and to provide that the provisions of this Act shall be severable and any portion hereof that may be held invalid shall not affect the remaining portions.

H. 110. To amend section 5 of Act No. 64 enacted at the 1971 First Special Session of the Legislature of Alabama (Acts of 1971, p. 115), as amended by sections 3 of Act No. 2306 enacted at the 1971 Regular Session of the Legislature of Alabama (Acts of 1971, p. 3724), the act being entitled "An Act to authorize Alabama State Docks Department, with the approval of the Governor, to sell and issue from time to time not exceeding $15,000,000 principal amount of revenue bonds for the purpose of the construction, improvement and equipment of additional seaport facilities at the Port of Mobile for the handling and storage of coal, coke, or any other materials in bulk containers, or any other method of shipment, to authorize the Department to make temporary loans by the sale and issuance of its bond anticipation notes and to pay such notes and the interest thereon out of proceeds from the sale of the bonds herein authorized; to provide for the details of the bonds and notes issued hereunder, the execution thereof, the method of sale thereof, and the application of the proceeds from the sale thereof; to provide that bonds and notes issued hereunder shall not be or constitute a debt of the State of Alabama, shall not pledge the faith or credit of the State of Alabama, and shall be limited obligations payable solely out of certain revenue of the said Department derived from the facilities constructed with the proceeds of the said notes and bonds, and out of revenues from a severance tax on coal, except that the notes shall also be payable out of the proceeds from the sale of the bonds; to provide for and authorize the imposition and collection of an additional handling charge for the use of the said facilities and the pledge of such additional charge for payment of the said principal and interest and that such pledge will constitute the first charge on the revenues so pledged; to provide for, appropriate and authorize the pledge of a sufficient portion of a severance tax levied by the act adopted by the 1971 Regular Session of the Legislature of Alabama that was introduced as House Bill 875 at said session to the extent necessary to pay the principal of and interest on said bonds and notes and to create reserves therefor; to authorize the publication of notice of the adoption of an order authorizing the issuance of bonds hereunder and limiting the time within which any action may be brought to set aside or contest the validity of any such bonds or any proceedings authorizing or any pledge or instrument securing, the said bonds; to provide that all bonds and notes issued hereunder and the income therefrom shall be exempt from all taxation; and to provide that bonds and notes issued hereunder shall be deemed negotiable instruments, and may be used to secure deposits or funds of the State of Alabama or of any instrumentality or agency of the State, and shall be lawful for the investment of fiduciary funds; to authorize the investment of proceeds of the bonds and the notes not presently needed for the purpose for which they are issued; and to provide that the provisions of this Act shall be severable and any portion hereof that may be held invalid shall not affect the remaining portions," so as to increase the amount of the special handling charge authorized to be imposed and collected, to provide that the proceeds collected from the special handling charge shall be available for use in the payment of interest and principal on certain revenue bonds which may be authorized by the 1975 Fourth Special Session of the Legislature of Alabama to be issued by the Alabama State Docks Department, and to extend the term during which the special handling charge shall be collected.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 111. (With Amendment): To amend sections 1, 2, 5, 6, and 9 of Act No. 2305 enacted at the 1971 Regular Session of the Legislature of Alabama (Acts of 1971, p. 3719), entitled "An Act To raise revenue by levying an excise and privilege tax on every person engaged in the severance of coal from the soil in this state; to provide for the collection, payment and administration of such tax; to provide for the use of the proceeds of such tax; to provide for refunds of excess taxes; to provide for penalties for violation of the provisions of this Act; and to provide for eventual termination of such tax," so as to increase the rate of tax levied; to provide that the proceeds of the tax levied on the severance of coal from the soil in this state shall be used for payment of interest and principal on certain revenue bonds which may be authorized by the 1975 Fourth Special Session of the Legislature of Alabama to be issued by the Alabama State Docks Department; to provide for refunds of excess taxes commensurate with the issuance of additional bonds to be paid out of the proceeds from that tax; and to alter the provisions respecting the eventual termination of that tax.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 99. To allow retired members of the Employees' and Teachers' Retirement Systems to become employed with any employer unit participating in the Employees' and Teachers' Retirement Systems and to prescribe the limitations therefor.

H. 107. To amend Section 17 of Act No. 1148, H. B. 600, Regular Session 1975, which act relates to the profession and practice of optometry, by providing that a license to practice optometry shall not be required for the sale, preparation or dispensing of eyeglasses, spectacles or contact lenses in a retail optical dispensary on prescription of an optometrist or physician.

H. 106. To provide that the Mine Technology Building at Walker State Technical College shall be named The Robert T. Wilson Mine Technology Building for Senator Robert T. Wilson and to repeal all conflicting statutes.

H. 104. To amend Sections 1, 2, 3, 4, 5, 6, 13, 13½, 14, 15, 16, 18, 19, 20, 24, 25, 28, 29, 33, 35, 39, 41, 42, 44, 49, 50, 52, 55, 57, 62, 69, 72, 73, 74, 75, 76, 78, 79, 80, 81, 82, 83, 84, 85, 87, 89, 90, 92, 93, and 106 of Act No. 207, S. 134, Regular Session 1949, (Acts 1949, p. 242), as amended, the Act known as the "Alabama Coal Mine Safety Law of 1949", so as to further provide for the health and safety of persons engaged in the mining of coal; for the qualifications and duties of mine inspectors; for the regulation and inspection of underground coal mines in accordance with modern mining practices; for equipment and ventilation standards in order to promote health and safety; for the safe design, maintenance and use of mechanical and electrical equipment; for required first aid and safety equipment; for the establishment of operating procedures to promote mining health and safety.

H. 152. To amend Sections 6, 15, 16, 17 and 18 of Act No. 183 enacted at the 1975 Third Special Session of the Legislature of Alabama so as to make different provision for the first term of office of any directors of any hospital authority organized under said Act who are elected by the Central Labor Council; so as to delete the reference in said Act to the University of Alabama; so as to revise the provisions of said Act relating to the applicability of the rules and regulations of the State Ethics Commission and to provide that the provisions of Act No. 130 (1975 Regular Session) shall apply to the members of the Board of Directors of any such hospital authority, and to the administrator and the purchasing agent of such hospital; so as to prohibit any such hospital authority from purchasing, or contracting to purchase, any goods or services from any employee of such authority or from the spouse of any such employee; so as to delete the requirement that all purchases, sales and contracts of such hospital authorities be administered in full compliance with Chapters 22 to 24, inclusive, of Title 55 of the Code of Alabama of 1940, and to provide, in lieu thereof, that the competitive bid provisions of Act No. 217 (1967 Special Session), as amended, shall apply to such hospital authorities to the same extent as to other local governmental agencies specifically mentioned therein and that the provisions of Act No. 314 (1969 Regular Session) and relating to insurance on public building contracts or public construction contracts shall be applicable to all such hospital authorities; and so as to revise the provision of said Act requiring the publication of annual financial statements.

H. 185. To designate the Alabama Historical Commission as the agency responsible for retaining the historic and architectural integrity of the State Capitol, a National Historic Landmark.

H. 93. To prohibit the abuse, neglect or exploitation of aged or disabled adults; to provide protective services for such persons; to require mandatory reporting by physicians and others of abuse, neglect or exploitation of such persons; to exempt persons reporting such abuse, neglect or exploitation from civil or criminal liability in connection with such reporting; to prescribe penalties for the abuse, neglect or exploitation of aged or disabled adults; and to provide penalties for failure of physicians and other practitioners of the healing arts to report such abuse, neglect or exploitation.

H. 66. To name and designate the physical education facility at The University of Alabama in Birmingham as the George C. Wallace Building.

H. 65. Relating to State Government administration; abolishing the Fort Morgan Historical Commission and transferring to the Department of Conservation and Natural Resources, Division of State Parks all the powers and duties of said Commission and further transferring all assets, materials, supplies and employees to the said Division of State Parks; to provide for the expenditure of funds for the operation and maintenance of said facility. To abolish the office of Assistant Secretary, Fort Morgan Historical Commission; to specifically repeal all portions of Act Number 204, Acts of Alabama 1955, p. 497, as amended, which conflict with the provisions of this Act.

H. 54. To amend Section 5, as amended, and Sections 6 of Act No. 107, S. 2, 1965 first special session (Acts of 1965, special session, volume one, p. 132, now appearing in Code of Alabama, Recompiled 1958, Title 50, Sections 82 and 83), relating to the incorporation in any county in the State of Alabama of a Water Authority, as a public corporation for the purpose of furnishing water service and fire protection service; so as to regulate further the membership of the board of directors.

H. 53. To designate and name certain buildings at the Chattahoochee Valley Community College.

H. 47. To amend Section 1 of Act No. 471, S. 189, Regular Session 1969, (Acts of 1969, p. 914; now appearing in Code of Alabama, 1940, Recompiled 1958, Title 55, Section 531, entitled "An Act To provide for the regulation and control of state-owned motor vehicles for official use by state officers and employees; to limit the number, cost and use of such vehicles, to provide for a transportation pool and to fix the responsibility for the maintenance and repair of vehicles therein; to establish a revolving fund for the use of the transportation pool, providing for the payment of certain fees and charges for the use of pool cars to be paid into such fund and appropriating state funds therefor; to provide for the administration and enforcement of this act and to prescribe penalties for violations; to ratify all acts of the Governor and finance director in establishing a transportation pool and to validate the transfer of funds allocated to state departments for the acquisition of automobiles to the finance department for the establishment of a transportation pool"; so as to place certain limitations on the size of such vehicles to be purchased for use by any employee, official or officer of the state except certain law enforcement personnel and constitutional officers.

H. 45. To amend Section 4 of Act No. 90, H. 216, 1963 Regular Session [Acts of 1963, p. 474; now appearing in Code of Alabama, Recompiled 1958, Title 37, Section 826 (1)], so as to provide that revenue bonds or notes issued under the said act may be refunded, extended or renewed by other temporary bonds or notes maturing not more than eighteen months from the date of maturity of the temporary bonds or notes then outstanding.

H. 42. To amend Section 2 of Act No. 130, Regular Session of the Legislature, 1975, by rewriting subsection (k) of said Section 2, to redefine the term "public official" so as to eliminate from said definition members of certain city and county boards of all counties and municipalities.

H. 41. To amend Sections 494, 495, 499, and 502 of Title 55 of the Code of Alabama, 1940, as amended, which sections provide for competitive bidding on public contracts.

H. 40. To require liquor licensees to sell liquor in half pints and miniatures in unbroken packages.

H. 24. To amend Act No. 811, H. 243, 1973 Regular Session [Acts 1973, p. 1236; now appearing in Code of Alabama, Recompiled 1958, Title 46, Sections 64(2.01) to 64(2.25)] known as the Auctioneers License Act, so as to exempt auctioneers selling certain types of property; to set a salary for the secretary of the state board; to make the state board financially self-sustaining; to provide further for examination procedures; to provide for licensing of non-resident auctioneers; and to authorize injunctions by the state board against the illegal actions of auctioneers.

H. 22. Relating to state and county prisoners; to authorize and direct the establishment of a joint state-county work-release program in each county of the state; to provide rules for establishment and operation of the program; to vest administrative and rule-making power in the board of corrections and county governing bodies; to provide for the amount and disposition of inmates' wages; to repeal or supercede conflicting laws; and to provide penalties for violations.

H. 15. To amend Act No. 648 adopted at the 1949 Regular Session of the Legislature of Alabama, as heretofore amended so as to expand

the definition of a "project" to include an office building which is the home or chief executive office or the divisional, state, regional, national, or international headquarters or chief executive office of any business enterprise.

H. 2. To name three buildings on the Gadsden State Junior College Campus.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 38. (With Amendment): To amend Act No. 90 adopted at the 1963 Regular Session of the Legislature of Alabama so as to provide that revenue bonds or notes issued under the said act may be refunded, extended or renewed by other temporary bonds or notes maturing not more than eighteen months from the date of maturity of the temporary bonds or notes then outstanding.

H. 239. (With Amendment): To prescribe the date on which the regular annual session of the legislature shall commence each year.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 233. To repeal Act No. 1056, S. 1, Regular Session 1973 (Acts of 1973, p. 1699), as amended, entitled "An Act To establish a state ethics commission and to provide a state ethics law which: Requires disclosures of certain economic interests and certain family connections to be filed by candidates for public offices, public officials and employees, and by persons having certain business dealings with the state, a county or municipality or its agencies or instrumentalities; proscribes certain practices by public officials and employees which conflict with the proper safeguarding of the public trust; requires the registration of persons engaged in activities designed to influence legislation and the making of certain reports by such persons and otherwise regulates such activities of such persons; prescribes penalties; provides for the enforcement of this act; prescribes the powers and duties of the ethics commission; and authorizes the commission to prescribe, promulgate and enforce rules, consonant with this law, to govern activities and disclosures by public officials and employees needed to safeguard the public trust in such governmental units."

H. 231. To authorize and provide for the deduction and withholding of dues to the Alabama State Employees' Association from the salaries of state employees who authorize such deductions.

H. 221. To amend Code of Alabama 1940, Title 15, Section 325 relative to place of confinement for persons sentenced to three years or less imprisonment.

H. 189. To provide for the temporary release of certain persons convicted of a felony and sentenced to a term of confinement and treatment in a state correctional institution under the jurisdiction of the Board of Corrections to seek employment and a place of residence in the community where he will reside after release from his sentence.

H. 120. To name the Speech and Hearing Center at the University of Montevallo the "George C. Wallace Speech and Hearing Center."

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 140. (With Substitute): Relating to public health; prohibiting smoking in certain public areas and prescribing penalties for violation of this act.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 133. To name that portion of U. S. Highway 11 that is within Sumter County the "Livingston University Highway".

H. 173. To name the Vocational Technical Building at Jefferson State Junior College for Dr. Thurston L. Faulkner; the Science Education Center for Dr. Howard C. Martin; and the Nursing Education Building for Dr. George L. Layton.

H. 28. To amend Title 55, Section 346, Code of Alabama 1940, which prohibits boxing, sparing or wrestling matches on Sunday so as to provide that the boxing and wrestling commission could allow such matches.

Mr. Carter, Chairman of the Standing Committee on Conservation, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 17. To authorize the Department of Conservation and Natural Resources through its Division of State Parks, Monuments and Historical Sites to hire certain categories of skilled persons for employment in its resort facilities and to make such personnel acquisition subject to written approval of the State Examiner of Public Accounts.

H. 18. To amend Section 4 of Act No. 712, H. 48, Acts of Alabama 1951 (Acts 1951, Vol. II, p. 1250) relating to tourist advertising, to permit the purchase of intrastate advertising of state-owned parks by bureau of publicity and information.

H. 70. To amend Sections 10, 14 and 16 of Act No. 576, Acts of Alabama, 1959 Regular Session, as amended, pertaining to the cost of obtaining registration certificates, duplicate certificates and transfer certificates for vessels operated on the waters of this state, and to provide for the disposition of the proceeds from the increases in those costs as prescribed herein.

H. 60. To designate the wild turkey as the official state game bird for the State of Alabama.

H. 147. To provide that a $2.00 license good for one day shall be required for hunting on a licensed game preserve within the state where only exotic or non-native game is being hunted.

H. 181. To authorize the Division of State Parks, Monuments and Historical Sites of the Department of Conservation and Natural Resources to do and perform through its own labor force maintenance within the parks system and capital improvement projects not exceeding Five Thousand Dollars ($5,000) in material cost and to further authorize said

Division to purchase equipment and materials for said maintenance or capital improvement projects and to provide for the approval of accounting procedures by the Examiners of Public Accounts.

H. 240. To amend the title and Sections 1 and 4 of Act No. 29, H. 44, 1970 Extraordinary Session (Acts 1969-1970, p. 2631—now appearing in Code of Alabama 1940, Title 50, Sections 99 and 102), which Act provides for the incorporation of Districts, as public corporations, for the purpose of furnishing water service, sanitary sewer service, and fire protection service so as to bring the incorporation of certain solid wastes disposal districts within the purview of said Act and to repeal all conflicting statutes.

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 76. To provide for the licensing of speech pathologists and audiologists; to establish an Alabama Board of Examiners for Speech Pathology and Audiology; to define the powers and duties of such board; to prescribe licensing standards, procedures, and fees; to provide a penalty for violation of this act; and to repeal conflicting laws.

H. 123. To provide that any mortician, undertaker, embalmer, or funeral director, who is duly licensed may, after satisfactory ophtalmologic training, be issued a license to enucleate donor eyes; to authorize the state board of embalmers to establish certain standards and regulations to effect the provisions hereof; and to require that any such licensee comply with the applicable provisions of the "Alabama Uniform Anatomical Gift Act."

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 176. (With Amendment): To regulate the collection, sale, labeling, and use of blood; providing a penalty for the violation of this act.

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 202. To amend Section 6, Act No. 1590, 1971 Regular Session (Acts 1971, p. 2721), relative to the licensing of ambulance drivers, by excluding application of said Act No. 1590 to businesses or companies which provide free ambulance services to their employees.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 168. (With Amendment): Relating to counties having populations of not less than 600,000 inhabitants; to levy an additional license tax on cigarettes in such counties; to provide for the enforcement hereof, the collection of the tax and the disposition of the proceeds thereof; and to provide penalties for violation of the provisions of this act.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 175. Relating to counties having a population of 600,000 or more inhabitants according to the most recent federal decennial census; imposing a privilege or license tax on persons, firms, and corporations engaged in the business of advertising; fixing the rate of the tax and providing for collection, enforcement, and distribution thereof.

H. 46. To make the provisions of Chapter 5, Title 26, of the 1940 Code of Alabama, as now or hereafter amended, inapplicable to all cities having a population of 250,000 or more, to any park board of such cities, to the boards and agencies authorized by such cities, and to the employees of any such city, board or agency.

H. 67. Providing further for the administration of justice in counties having a population of six hundred thousand or more according to the most recent federal decennial census, specifically further regulating the jurisdiction and the cost and charges of inferior civil courts in such counties.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 72. (With Amendment): Relating to any county having a population of 600,000 or more according to the most recent federal decennial census; providing for the election of constables in any such county.

Mr. McNair, Chairman of the Standing Committe on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 131. To fix supplemental salaries for each circuit clerk and each deputy circuit clerk elected by the people in counties having a population of not less than 600,000 according to the most recent Federal decennial census.

H. 171. To amend Act No. 79 of the Special Session of the Legislature of Alabama of 1966, approved August 17, 1966, (Ala. Acts, 1966 Special Session, p. 106 et seq.) as heretofore amended providing in Jefferson County for the creation and maintenance of districts for fighting or preventing fires, districts for the collection and disposal of garbage and districts for both of the aforesaid purposes.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 30. Relating to Jackson County; to provide further for the payment of additional expense allowances to the chairman of the Board of Revenue of Jackson County.

H. 143. Relating to any judicial circuit composed of a county having a population between 60,000 and 65,000 inhabitants according to the

most recent or any subsequent federal decennial census; to provide for the fixing of fees of official court reporters of such judicial circuit to be taxed as court costs.

H. 172. Relating to counties having not less than 38,100 nor more than 40,500 population, according to the most recent federal decennial census; to provide a secretary for the District Attorney of the Circuit Court serving any such county a secretary who shall be appointed by the District Attorney, and serve at the pleasure of the District Attorney, and shall perform such duties as the District Attorney may direct. The said secretary may be removed from office at any time by the said District Attorney. The salary of such secretary shall be fixed by the District Attorney at a sum of not less than the salary received by the Clerk-Secretary to the presiding Circuit Judge of said County. The salary of said secretary shall be paid out of the county treasury of such county as the salaries of other county officers and employees are paid.

H. 198. Relating to Etowah County; to provide for election of the county superintendent of education; to prescribe the qualifications, duties, term of office, and compensation of such officers; and to repeal Act No. 540, S. 593 of the Regular Session of 1967 and all other conflicting laws.

H. 212. Relating to all counties having a population of 90,000 to 100,000, in the most recent Federal Decennial census: To provide for the distribution of fines in certain cases.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 4. To repeal Section 387 of Title 2 of the Code of Alabama of 1940 which makes it unlawful for any livestock dealer to buy or sell cattle, hogs, sheep or goats at anytime after sunset or before sunrise.

H. 5. To repeal Article 27 (Sections 438 through 449) of Chapter 1 of Title 2 of the Code of Alabama of 1940, which regulates the sale of paint and prescribes certain requirements under which paint is sold or offered for sale.

H. 6. To amend Section 630 of Title 2, Code of Alabama 1940, to increase the annual permit fee required to be paid to the Commissioner of Agriculture and Industries by persons engaged in the business of weighing for hire, designated as weighmasters, by increasing said fee to ten dollars.

H. 144. To amend Title 8, Sections 100 and 101 of the Code of Alabama, 1940, so as to eliminate distinctions between resident and non-resident fur dealers.

H. 145. To allow heads of households to make wine at home in the amount and in the manner as prescribed by Federal law, and to repeal any conflicting laws.

H. 174. Providing a Uniform Honey Law, forbidding any product which is not pure honey from being branded or offered for sale as honey; providing penalties for violation of the act.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 237. To amend Section 5 and 19 of Act 765, Regular Session, 1973 Alabama Legislature, to remove the requirement of a copy of each security interest document when perfecting a security interest in a vehicle of a type which a certificate of title is required; and for related purposes; and to set an effective date.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 236. (With Amendment): To amend Sections 706 and 709 of Title 51, Code of Alabama 1940, and Act No. 35, Acts of Alabama, Regular Session, 1945, in order to provide for the report of change of ownership of a previously licensed motor vehicle and for the record of transfer of a motor vehicle license plate to be made to the Probate Judge of the County where the owner resides; to exempt licensed motor vehicle dealers from filing such reports of change of ownership for vehicles held for sale; to provide procedures to be followed in making such reports and records; and to increase the fee charged by the Probate Judge for recording the change of ownership of a motor vehicle to one dollar ($1.00).

H. 238. (With Amendment): To regulate further the Aid to Dependent Children program; to authorize and empower the Department of Pensions and Security to operate child support programs, locate absent parents, establish paternity, enforce child support obligations, to collect and distribute support payments, and to conform with certain provisions of the Social Security Act, as amended, in order to obtain maximum benefits under the Social Security Act, as amended; and to prescribe penalties.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 222. Relating to the Fifth Judicial Circuit, amending Act No. 485, S. 353, Regular Session 1963, pertaining to Solicitor fees collected in Fifth Judicial Circuit.

H. 188. To amend the title and Section 1 of Act No. 132, H. 78, 1967 Regular Session (Acts of 1967, p. 470) entitled, "An Act Fixing supplemental salaries of circuit judges in circuits composed of one county and having not less than six nor more than twelve circuit judges, and to authorize and provide for the payment of a monthly expense allowance for circuit judges in circuits composed of one county and having not less than six nor more than twelve circuit judges," so as to make the provisions of the Act apply to circuits composed of one county having not less than seven nor more than twelve circuit judges.

H. 37. To provide for review of the sentence of an offender when the punishment for that crime of which such offender was convicted is reduced.

H. 228. To provide this state with standards for the uniform recognition of acknowledgments by notaries public and other authorized officials; and to prescribe short forms of acknowledgment.

H. 229. To amend Section 2, as amended, Section 3, as amended, Section 4, Section 7, Section 8, as amended, and Section 16 of Act No.

865, H. 138, 1961 Regular Session (Acts of 1961, p. 1349, now appearing in Code of Alabama, Recompiled 1958, Title 46, Sections 331, 332, 333, 336, 337, and 345), relating to the formation of unincorporated associations for the purpose of rendering professional service; so as to further regulate such associations.

H. 230. To amend Section 21 of the Professional Corporation Act (Acts of 1971, p. 4524, now appearing in Code of Alabama, Recompiled 1958, Title 46, Section 366), so as to allow a consolidated or merged professional corporation to render both medical and dental services within a single professional corporation.

H. 117. To exempt from civil liability members of organized volunteer fire departments who make efforts to preserve and protect any building and certain other property from fire.

H. 155. To amend Section 2-316 of Act No. 549, S. 2, Regular Session 1965 (Acts 1965, p. 811) (now appearing in Title 7 A, in the supplement to Code of Alabama, recompiled 1958), which is the Alabama Uniform Commercial Code, and which Section 2-316 concerns the exclusion or modification of the implied warranties of merchantability or fitness for a particular purpose to circumscribe the limitation or exclusion of the implied warranty of merchantability or fitness for a particular purpose in the sale or lease of new consumer goods.

H. 157. To provide for application for review of felony sentences of five or more years, except death sentences, by a panel of three circuit judges appointed from time to time by the President of the Circuit Judges Association.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 180. To amend the provisions of Act No. 763, H. 286, 1973 Regular Session, approved September 5, 1973, which provided a $5.00 per day subsistence allowance for certain law enforcement officers, so as to extend the provisions of said Act to state law enforcement officers employed by the Industrial Relations Department.

H. 128. Further amending Code of Alabama 1940, Title 22, Section 40, 42 relating to Vital Statistics, providing for equitable fees for service to county registration districts and state registration district in conformity with surrounding states.

H. 151. To amend and re-enact Act No. 206, H. 1, 1975 Third Special Session, entitled "To establish length and periods of time for law enforcement officers in which they would be recognized for service to the state by increased allowances," so that certain provisions will apply to all cities having a population of not less than 60,000 nor more than 130,000, all cities having population of not less than 9,400 nor more than 9,900, and all counties having a population of not less than 115,000 nor more than 150,000 according to the most recent federal census.

H. 190. To provide for the appointment of assistant district attorneys in the Twenty-third Judicial Circuit and for a graduated schedule of compensation for assistant district attorneys in the Twenty-third Judicial Circuit.

H. 31. To amend Act No. 1159, S. 278 of the 1975 Regular Session, which provides for an additional circuit judgeship in the 38th Judicial

Circuit, so as to make the provisions thereof relative to the time of appointment and the term of service of the first additional judge and his successors comply with Section 153 of the Constitution of 1901, as amended, and to correct a clerical error in the Act.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 8. (With Substitute): To make an appropriation to the Department of Agriculture and Industries for the control and eradication of a destructive insect pest known as the fire ant.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 211. Providing that school bus drivers shall have up to 5 days paid sick leave per year.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 83. (With Amendment): To amend Section 1 of Act No. 1209, S. 223, Regular Session 1973 (Acts of 1973, p. 2031, now appearing in Code of Alabama, Recompiled 1958, as Title 52, Section 13 (1)) so as to increase the expense allowance of members of the State Board of Education from $100 to $500 per month.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 68. To provide for the establishment, regulation of, and an appropriation for the financing of a scholarship loan and awards program for the study of dentistry; replacing Act No. 793 of Acts of Alabama, Regular Session, 1965.

H. 115. To provide for a scholarship program for medical education; making an appropriation to carry out the provisions of this act; and repealing Act No. 278, H. 182, First Special Session of 1965, (Acts of Special Session 1965, p. 384).

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 219. (With Amendment): To provide for a guaranteed minimum starting wage or salary for all state, county, municipal, or political subdivision law enforcement officers of this state and provide for the enforcement of the provisions of this act.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the follow-

ing bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 130. Relating to the thirteenth judicial circuit; providing for an additional circuit court judge in such circuit and prescribing the duties, authority, and compensation of such judge.

H. 148. To provide that Unemployment Insurance Fraud Investigators and certain other employees of the Department of Industrial Relations, designated in writing by the Director thereof, shall be peace officers of the State of Alabama with police power to enforce the Alabama Unemployment Compensation Law and the criminal laws of the State of Alabama.

H. 191. To appropriate $50,000.00 from the general fund in the state treasury to the general fund of Escambia County as reimbursement for costs incurred in the trial of state inmates in that county.

H. 52. To authorize the County Commission or like governing body of each of the several counties to appoint an Engineer Trainee; to provide for the qualifications and duties of such Engineer Trainee; and to provide for State participation in the salary of such Engineer Trainee appointed.

H. 121. To exempt the Chilton County Rescue Squad from the payment of all sales and use taxes.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 63. (With Amendment): To further amend Sections 1 and 3 of Act No. 470, S. 182, 1969 Regular Session [Acts 1969, p. 912—now appearing in Code of Alabama Recompiled 1958, Title 55, Section 488 (1) and 488(3)], as amended, entitled "An Act to provide for and regulate the payment of expenses of state officers and employees and persons traveling on official business for the state or any of its departments, institutions, boards, bureaus, commissions, councils, committees, and other like agencies," so as to provide for increases in subsistence and mileage allowances for such employees and to exempt legislators from the $25.00 per day maximum amount allowable for in-state travel.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 55. To require the payment of an initial licensing fee or initial registration fee to the radiation control agency by all persons seeking certain licenses or registrations, require an annual fee to be collected by the judge of probate or licensing commissioner of the counties of the state, to establish the Radiation Control Fund and appropriations therefrom; to provide for the remittance of monies collected by the probate judge or licensing commissioner to the state treasurer for deposit in the Radiation Control Fund; and penalties for failure to pay the fees.

H. 88. To amend Code of Alabama 1940, Title 45, Section 144, as amended, providing a daily prisoner meal allowance, so as to provide for an increase in such allowance.

## RESOLUTION

The following resolution was introduced:

By Mr. Manley:

H. R. 24. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, that when the House adjourns today it will adjourn to meet again on Wednesday, November 5, 1975, at 11:00 A. M.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 24, was adopted.

## INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Messrs. Turnham, Malone, Warren and Teague:

H. 243. To amend the title and further amend Sections 1, 3, 4 and 5 of Act No. 755, 1967 Regular Session (Acts of Alabama 1967, Vol. ii, p. 1609), as amended, entitled "To provide Supernumerary Tax Collectors, Tax Assessors, License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes in the various counties of the State of Alabama; describing their duties; setting up their requirements and qualifications; fixing their compensation; status and tenure of office; and providing for the payment of their salaries," so as to provide further for the requirements, qualifications and compensation for such Supernumerary Tax Collectors, Tax Assessors and License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes in this state, in the various counties of the State of Alabama having a population of less than 600,000 inhabitants.

Ways and Means.

By Messrs. Kinsey, Drake, Rich, Sparks, Boles, Martin, Brindley, Albright, Starkey, Wyatt, Teague, Sonnier, Shelton, Hill, Smith (C), Pegues, Carter, Crowe, Malone, Leonard, Higginbotham, Warren, Sandusky, Kelley, Ford, McCulley, Taylor, Venable, Johnson, Carothers and Johnstone:

H. 244. To amend Section 3 of Act No. 863, S. 441, 1975 Regular Session, approved October 7, 1975, which established the Alabama Firefighters Personnel Standards and Education Commission, so as to provide further for the employment of an executive secretary and clerical assistants for the commission and to provide further for the payment of travel allowances and expenses for members of the commission.

State Administration.

By Mr. White:

H. 245. To apply to every county of the State having a population of more than 500,000 according to the last or any subsequent Federal census; to define "hospital funds" as any monies which any such county is authorized to use in maintaining or operating hospitals; to provide that any such county shall be authorized to use hospital funds in providing care, medication, treatment and sustenance for indigent persons at any of the following operated by the county: Hospitals, county homes, nursing homes or other county installations.

Local Legislation No. 2.

By Mr. Gafford:

H. 246. To include members of the State Board of Pardons and Paroles or former members of said Board of Director of Physical Fitness Department under the State Employees' Retirement System; to provide that each member shall be eligible for coverage under the system from the date on which he assumed his office; also provides for necessary employee contributions and state appropriations.

Ways and Means.

By Mr. Lutz:

H. 247. To amend Section 3 of Act No. 2293, Regular Session 1971 (Acts of 1971, p. 3694, et seq.) now appearing as Section 303(8) of Title 28, Code of Alabama, 1940 (Recompiled 1958) which provides for the Credit Union Board of the Bureau of Credit Unions and for the appointment of members to said Board by the Speaker of the House and the Lieutenant Governor so as to provide for the appointment of members to said Board by the Governor.

Banking.

By Mr. McMillan:

H. 248. To amend further Act No. 533, Acts of Alabama, 1957 Regular Session, Page 750, entitled "An Act To Create a Board to be known as the State Board of Registration for Foresters; to provide for the qualification of members of said Board; to provide for the appointment of the members of said Board; to provide for their terms of office; to provide for the organization of said Board; to provide for the powers and duties of said Board; to provide for the registration of Foresters; to provide for the recording of licenses; to provide for the definition of the practice of Forestry; to provide for the revocation of licenses; to provide for fees for the issuance and recording of such licenses; to provide for reciprocity; to create a special fund to be known as the "Professional Foresters Fund," and to regulate expenditures therefrom; to repeal all laws in conflict with this Act; and to make an appropriation," as amended by Act No. 141, Acts of Alabama, 1961 Special Session, page 2082; by Act No. 1051, Acts of Alabama, 1969 Regular Session page 1965; and by Act No. 1202, S. 107, 1973 Regular Session (Acts of 1973, p. 2020); so as to provide for an increase in the registration fee for a license and the annual renewal fee for licenses.

State Administration.

By Mr. Carothers:

H. 249. To amend Title 52, Section 8, Code of Alabama, 1940, by deleting the prohibition of educators serving as members of the state board of education.

State Administration.

By Mr. Reed:

H. 250. Relating to counties having populations of not less than 24,500 nor more than 25,000 inhabitants according to the most recent federal decennial census, providing for one full time and one part time clerk for the tax collector of any such county, and providing terms and compensation for such clerks.

Local Legislation No. 1.

By Mr. Merrill:

H. 251. To amend Section 3 of Act No. 1217, H. 1183 of the 1975 Regular Session (now in manuscript form), which provides for the is-

suance and sale of bonds by the State Industrial Development Authority for the purpose of making grants from the proceeds of the said bonds to counties, municipalities and local industrial development boards in relation to the limitation on grants of money to counties, municipalities and local industrial development boards.

Ways and Means.

By Messrs. Hilliard, Jackson (R), Armstrong, Howard, Brindley, Jolly, Harrison, Holmes, Robertson, Johnstone, Tucker and McNair:

H. 252. To propose an amendment to the Constitution of 1901, to restore civil rights to persons convicted of crimes, after full execution of their sentence.

Judiciary.

The above bill was read a first time at length as required by the Constitution.

By Mr. Manley:

H. 253. To repeal Act No. 446, H. 228, 1957 Regular Session of the Legislature [Acts of 1957, Vol. I, p. 608; now appearing in Code of Alabama, Recompiled 1958, Title 13, Section 125(78)], entitled "To regulate further the office of solicitor of the Seventeenth Judicial Circuit of Alabama; creating a solicitor's fund for each county composing the circuit, and providing for the expenditure and use thereof."

Judiciary.

By Mr. Crowe:

H. 254. To make a supplemental appropriation to the State Agency for Social Security from funds known as the Social Security Contribution Fund in the State Treasury for the Fiscal year ending September 30, 1976.

Ways and Means.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Biddle:

H. R. 25. Wishing Coach a speedy recovery.

WHEREAS, Coach belonging to Rudy Davidson has performed in an exemplary manner for over five seasons, and;

WHEREAS, Coach has contributed significant to Rudy's fame as an outstanding quail hunter and

WHEREAS Lt. Tommy Coleman and Dr. George W. Campbell have established reputations as claimers and

WHEREAS, Coach is to undergo major surgery on November 4, 1976, and;

NOW THEREFORE BE IT RESOLVED The House of Representatives of Alabama, wishes Coach a speedy recovery.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Rudy Davidson, Birmingham, Alabama.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 25, on the Clerk's desk for one legislative day.

Also:

By Mr. Higginbotham:

H. R. 26. IN APPRECIATION TO THE REVEREND DOCTOR GEORGE B. HOSSACK FOR HIS MINISTRY TO THE CITIZENS OF LEE COUNTY.

WHEREAS, the Reverend Doctor George B. Hossack, a native from Baptist Manse, Victoria Place, Airdrie, Scotland, has through the pastoral exchange come from his native shores to Lee County, to preach the gospel and give of his time and talents in the ministry to the citizens of Lee County and in the service of the Lord; and

WHEREAS, Doctor George B. Hossack has graciously given his oratory abilities to the delight of many civic organizations in Lee County; and

WHEREAS, Doctor George B. Hossack in ministering to the needs of the citizens of Lee County in 1965, 1969 and 1973 has won many friends in this state; and

WHEREAS, Doctor George B. Hossack is expected to return to Lee County in April, 1976; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That we are deeply appreciative to the Reverend Doctor George B. Hossack for sharing his time and talents in ministering to the citizens of Lee County and we join his many friends of Lee County in looking forward to his return in April, 1976.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. R. 26, on the Clerk's desk for one legislative day.

Also:

By Mr. Plaster:

H. J. R. 27. A REPORT ON PROGRAM ACTIVITIES OF EACH STATE DEPARTMENT, BOARD, BUREAU AND AGENCY OF STATE GOVERNMENT.

WHEREAS, the Legislature is called on to appropriate funds to hundreds of departments, boards, bureaus, and agencies each year, and,

WHEREAS, Legislators need information upon which to make sound judgments on these important fiscal matters, and,

WHEREAS, the abundance of data and information needs to be organized in a manner so that legislators can interpret it before making their decisions, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that each department, board, bureau, and agency of the state shall make a program report of their activities prior to the next session of the Legislature. This report shall include, but is not limited to, such information as the number of personnel employed at the beginning of the fiscal year, the number of employees at the close of the fiscal year, the average salary of non-supervisory personnel, the average salary of supervisory personnel, a breakdown of the department budget by salaries, equipment, services provided, funds sent to local governing bodies or agencies, the number of people receiving the services.

For example: The Highway Department's report should include the number of miles resurfaced, the number of miles constructed, the amount

of maintenance done on primary and secondary roads along with the information on personnel and their salaries.

BE IT FURTHER RESOLVED, that the Legislative Fiscal Office shall prepare forms to secure this information from each department, board, bureau and agency of state government and shall compile the data into a report.

BE IT FURTHER RESOLVED, that this report shall be available to each member of the Legislature by the first day of the 1976 Regular Session.

On motion of Mr. Plaster, the rules were suspended and the resolution, H. J. R. 27, was adopted.

## RESOLUTIONS

The following resolutions introduced on the first legislative day were read by title pursuant to Joint Rule 11:

H. J. R. 12. COMMENDING THE SYLACAUGA BEAUTIFICATION COUNCIL.

H. J. R. 14. COMMENDING STEVE McMILLAN UPON BEING NAMED BALDWIN COUNTY "REALTOR OF THE YEAR."

H. J. R. 15. COMMENDING ROBERTA FULLER SPEH, NAMED BY SOUTH BALDWIN BUSINESS AND PROFESSIONAL WOMEN "WOMAN OF ACHIEVEMENT."

H. J. R. 16. CONGRATULATING MR. AND MRS. HARRIS C. GRANT ON THEIR TWENTY-FIFTH WEDDING ANNIVERSARY.

H. J. R. 17. CONGRATULATING GEORGE ENGEL FOR HIS OUTSTANDING SERVICE IN RURAL ELECTRIC COOPERATIVES, LOCALLY AND NATIONAL.

H. J. R. 20. PROCLAIMING THE 8th ANNUAL MILLBROOK FESTIVAL, ARMED FORCES DAY CELEBRATION THE OFFICIAL MONTGOMERY AREA ARMED FORCES DAY CELEBRATION.

On motion of Mr. Crowe, the resolutions were adopted en masse.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Owen:

S. J. R. 1. BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, that a Committee of three members of the Senate, to be named by the Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

AND BE IT FURTHER RESOLVED THAT said Committee ascertain from His Excellency if he desires to address a joint session of the Legislature and if he does desire to address a joint session, to further ascertain the time most suitable to him for such address.

AND BE IT FURTHER RESOLVED That said Committee shall escort

His Excellency, the Governor, to the Hall of the House of Representatives in the event of such joint session.

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate Messrs. Mitchell, Powell and Adams.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. McCorquodale, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 1, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Torbert:

S. J. R. 5. ENDORSING RUSSELL COUNTY AS THE SITE FOR A NATIONAL VETERANS CEMETERY.

WHEREAS, 350 acres of historic Ft. Mitchell Reservation have been set aside in anticipation of having a national veterans cemetery located therein; and

WHEREAS, if such a cemetery site is approved, the National Veterans Cemetery in Russell County would serve the entire southeastern region of the United States; and

WHEREAS, the site in Russell County has been approved by the Land Acquisition Department of the Veterans Administration; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we endorse and strongly support the selection of a site in Russell County for a National Veterans Cemetery.

BE IT FURTHER RESOLVED, That the legislature extend a cordial invitation to Congressman George Danielson, Chairman of the Sub-Committee on Cemeteries and Burial Benefits to hold hearings in Russell County, Alabama in order that a proper determination be made in this matter.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each member of the Alabama congressional delegation and to Congressman Jack Brinkley from Georgia.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Baker, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 5, set out in the above and foregoing Message from the Senate.

ADJOURNMENT

On motion of Mr. Manley, and pursuant to the resolution, H. R. 24, heretofore adopted, the House adjourned until 11:00 o'clock a. m., Wednesday, November 5, 1975.

THIRD DAY

House of Representatives
Montgomery, Alabama
Wednesday, November 5, 1975

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Felix James, Pastor, Hall Street Baptist Church and Chaplain, Alabama State University, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelly, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—104

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the second legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the second legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the second legislative day was approved.

BILLS ON SECOND READING

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 253. To repeal Act No. 446, H. 228, 1957 Regular Session of the Legislature [Acts of 1957, Vol. I, p. 608; now appearing in Code of Alabama, Recompiled 1958, Title 13, Section 125 (78)], entitled "To regulate further the office of solicitor of the Seventeenth Judicial Circuit of Ala-

bama; creating a solicitor's fund for each county composing the circuit, and providing for the expenditure and use thereof."

H. 252. To propose an amendment to the Constitution of 1901, to restore civil rights to persons convicted of crimes, after full execution of their sentence.

The above bill was read a second time at length as required by the Constitution.

Mr. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit.

H. 29. To amend Title 52, Section 100, Code of Alabama, 1940, to change the name of local School Trustees to that of Local School Advisory Committee and to repeal Title 52, Sections 138, 139, 140, 141, 143, 144, 145, 146, and 147 and to further provide for the selection of Local School Advisory Committees and specify their powers.

H. 74. To permit the State Board of Education, through the State Superintendent of Education, to enter into an interstate agreement known as the "Interstate Agreement on Qualification of Educational Personnel" for the purpose of establishing cooperative arrangements with other states for persons to meet teacher certification requirements.

H. 84. Relating to education; requiring all public high schools to give instruction to all students on the essentials and benefits of the free enterprise system; prescribing duties of the State Board of Education, the State Department of Education and Boards of Education of each school district; and establishing an effective date.

H. 85. To direct the state department of education to establish and maintain public kindergarten programs as an integral part of the public schools in Alabama; and to continue the eight kindergarten pilot programs heretofore established.

H. 215. To amend Title 55, Section 488(2), Code of Alabama 1940, so as to allow out-of-state travel for employees of institutions under control of the state board of education and employees of local boards of education without prior authorization by the governor, provided such travel shall have been authorized by the president of the institution or the local superintendent of education involved.

H. 216. To provide that full-time employees and executive officers of the Alabama Council for School Administration and Supervision may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Council and it employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the state.

Mr. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 159. (With Substitute): To provide that school principals shall supervise the operation and management of schools under policies determined by local boards of education and to assign school principals

supervisory responsibilities and the coordination of instructional leadership under the direction of the local school superintendent.

Mr. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 200. To amend Section 1 of Act No. 281, H. 279, Regular Session 1969 (Acts 1969, p. 614) relating to the safe transportation of pupils to and from school so as to provide certain qualifications for school transportation managers or supervisors.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 43. Relating to any county having a population of not less than 115,000 nor more than 150,000 according to the most recent federal decennial census; prescribing the terms of office for the tax assessor and tax collector.

Mr. Barron, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 177. To provide that One Thousand ($1,000.00) Dollars shall be transferred each month from the District Attorney's Fund of Madison County into the General Fund of Madison County to help defray the cost of providing parking for petit and grand jurors in said County.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 154. To fix the salary of the office of Ex-officio Judge of any County Court exercising original jurisdiction over general misdemeanors in Judicial Circuits composed of only one county and having a population of not less than 115,000 people nor more than 160,000 people according to the last and any subsequent decennial Federal census.

H. 241. Relating to any county having a population of not less than 35,000 nor more than 38,000 according to the most recent federal decennial census; authorizing the county governing body to provide for the relief of Mrs. Bertha Mae Barber for injuries sustained in an automobile accident due to a defective county road.

H. 242. Relating to any county having a population of not less than 35,000 nor more than 38,000 according to the most recent federal decennial census; to provide for purging the lists of registered voters in Beat Seven in said counties; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, the judge of probate, and the county commission relative to the reidentification of registered voters; and providing a penalty for making a false statement in connection with re-identification.

H. 250. Relating to counties having populations of not less than 24,500 nor more than 25,000 inhabitants according to the most recent

federal decennial census, providing for one full time and one part time clerk for the tax collector of any such county, and providing terms and compensation for such clerks.

## RESOLUTIONS

The following resolutions introduced on the second legislative day were read by title pursuant to Joint Rule 11:

H. R. 25. WISHING COACH A SPEEDY RECOVERY.

H. R. 26. IN APPRECIATION TO THE REVEREND DOCTOR GEORGE B. HOSSACK FOR HIS MINISTRY TO THE CITIZENS OF LEE COUNTY.

On motion of Mr. Crowe, the resolutions were adopted.

## RESOLUTION

The following resolution was introduced:

By Mr. Waggoner:

H. J. R. 28. PROVIDING FOR THE CONTINUATION OF THE JOINT COMMITTEE ESTABLISHED BY S. J. R. 97, ACT NO. 382, APPROVED SEPTEMBER 5, 1967, AND CONTINUED BY S. J. R. 101, ACT NO. 1046, APPROVED SEPTEMBER 12, 1969, AND CONTINUED BY H. J. R. 217, ACT NO. 2418, APPROVED OCTOBER 1, 1971, TO STUDY THE PROBLEMS OF INTERSTATE AN INTRASTATE HIGHWAY SAFETY GENERALLY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the joint committee established pursuant to S. J. R. 97, Act No. 382, approved September 5, 1967, and continued by S. J. R. 101, Act No. 1046, approved September 12, 1969, and continued by H. J. R. 217, Act No. 2418, approved October 1, 1971, and continued by H. J. R. 75, Act No. 1183, approved September 18, 1973, shall continue in existence and shall continue its work as directed in said Act No. 382. The committee shall make a report to the legislature before the 10th legislative day of the next regular session.

BE IT FURTHER RESOLVED, That the committee members shall be entitled to their usual legislative per diem and expenses for attending meetings of the committee which shall be paid from funds appropriated for the payment of the expenses of the legislature and that in no event shall this resolution carry an appropriation of more than $10,000.

On motion of Mr. Waggoner, the rules were suspended and the resolution, H. J. R. 28, was adopted.

## INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Callahan:

H. 255. Relating to counties having populations of not less than 300,000 nor more than 500,000 inhabitants according to the most recent federal decennial census, providing for salary compensation for the clerks of certain inferior state or county courts located in such counties.

Local Legislation No. 3.

By Mr. Cates:

H. 256. To amend Section 2 of Act No. 202, S. 27 of the regular session of the Legislature (Acts 1953, p. 267), so as to increase the compensation and expense allowance for members of the Board of Corrections.

Ways and Means.

By Mrs. Quarles:

H. 257. Relating to counties having a population of not less than 27,900 nor more than 33,500 inhabitants according to the most recent federal decennial census; providing for the compensation of bailiffs in such counties.

Local Legislation No. 1.

By Mrs. Quarles:

H. 258. To exempt the St. Clair County Rescue Squad from the payment of all sales and use taxes.

Ways and Means.

By Mrs. Quarles:

H. 259. To make a conditional appropriation from the state general fund to the use of the St. Clair Historical Society.

Ways and Means.

By Mrs. Quarles:

H. 260. To provide an expense allowance for each member of the county commission of all counties having a population of not less than 27,900 nor more than 33,500 inhabitants according to the most recent federal decennial census, which shall supersede any provision heretofore made for expense allowances of such commissions; and providing that the provisions of this Act shall have a retroactive effect.

Local Legislation No. 1.

By Mr. White:

H. 261. Relating to counties having populations of not less than 600,000 inhabitants; to levy an additional license tax on cigarettes in such counties; to provide for the enforcement hereof, the collection of the tax and the disposition of the proceeds thereof; and to provide penalties for violation of the provisions of this act.

Local Legislation No. 2.

By Messrs. Sonnier, Cooper, LeFlore, Malone, Johnstone, Kennedy and Sandusky:

H. 262. To provide retirement benefits for elected officials in any municipality in the State of Alabama having a population, according to the most recent federal census, between 175,000 and 225,000 persons, and to provide for the payment of such benefits.

Local Legislation No. 3.

By Mr. Reed:

H. 263. To appropriate $400,000 from the Special Educational Trust Fund for the purpose of constructing, reconstructing and furnishing a burned out school in Bullock County.

Ways and Means.

By Mr. Reed:

H. 264. To appropriate $400,000 from the Special Educational Trust Fund for the purpose of constructing, reconstructing and furnishing a burned out school in Macon County.

Ways and Means.

By Mr. Hall:

H. 265. Relating to counties having a population of 600,000 or more according to the most recent federal decennial census, prohibiting municipalities in such counties from annexing any part of a fire district unless the whole district is annexed and providing further that any annexation of fire districts by any such municipality must be done in accordance with existing annexation laws of such municipalities and counties.

Local Legislation No. 2.

By Mr. Mitchem:

H. 266. To provide authority for the government and control by civil service regulations of the employees of any city having a population of not less than 9,500 nor more than 10,000 inhabitants according to the most recent federal decennial census; to provide for a civil service board in said cities and to fix its duties, authorities, powers and compensation.

Local Legislation No. 1.

## BILLS ON THIRD READING

And the bill:

H. 1. To create a board of trustees of the policemen and firemen's retirement fund of the City of Gadsden, Alabama to provide for the composition of said board; to provide for a secretary-treasurer of said board and custodial care of such funds; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amounts payable to widows or dependents; and to provide appeals from any decision of said board.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—81

And the bill:

H. 12. To amend Section 3 of Act No. 2220, H. 2829, 1971 Acts of the Regular Session (Acts 1971, Vol. V, p. 3566), entitled "Relating to all counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census; to impose a tax upon the sale by liquor licensees of spirituous or vinous liquors and an additional tax on malt or brewed beverages when sold for on-premises consumption; providing for the administration of this Act and the collection and use of the proceeds; requiring permits for taxable sales of spirituous and vinous liquors and malt or brewed beverages; and providing penalties for violations of this Act," so as to delete provisions levying an additional tax on certain malt or brewed beverages, and regulate further the tax on spirituous liquor.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 1.

*Yeas:*

Mr. Speaker, Andrews, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Dial, Edwards, Folmar, Gafford, Goodwin, Greer, Hall, Harris, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, Martin, Merrill, Mitchem, Moore (O), Plaster, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Sonnier, Starkey, Trammell, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—63

*Nay:* Mr. Drake. —1

And the bill:

H. 13. Proposing an amendment to the Constitution of Alabama to authorize regulation of the fees, commissions, percentages, allowances and compensation of county officers of Coffee County and of costs and charges of courts in said county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, White, Williams and Wyatt.

—78

And the bill:

H. 14. Relating to counties having a population of not less than

34,100 nor more than 34,900 inhabitants according to the most recent federal decennial census, further regulating the employment and compensation of certain personnel employed in the offices of the probate judge, tax assessor, tax collector and circuit clerk in such counties, and providing for the payment of the compensation of such employees from the general funds of the counties to which this act applies.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McClusky, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, White, Williams and Wyatt.

—81

And the bill:

H. 16. Relating to all counties having a population of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; placing the probate judge, the tax assessor, the tax collector and the circuit clerk on a salary basis of compensation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Dial, Drake, Edwards, Falkenburg, Folmar, Goodwin, Greer, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, White, Williams and Wyatt.

—78

And the bill:

H. 20. Relating to all counties having a population of not less than 50,000 nor more than 52,500 inhabitants according to the most recent federal decennial census; authorizing the county governing body of such counties to develop and establish a prisoner rehabilitation program which would include a livestock raising and farming area for the purpose of inmates occupying their time in supplementing prison food, and including the leasing or purchasing of land for such purpose and purchasing

equipment and supplies incident thereto; providing that the cost for such program be paid out of the county general fund and from funds designated for prisoners' feeding allowance; and prescribing penalties for violations by inmates.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—85

And the bill:

H. 21. Relating to counties having a population of no less than 50,000 nor more than 52,500 according to the most recent federal decennial census; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of any such counties; and providing penalties for violation hereof.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—85

And the bill:

H. 32. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all severance taxes on coal levied by any such county; authorizing said Department of Revenue to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the re-

covery of the costs of collection of such taxes out of the proceeds of such tax collections.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—85

And the bill:

H. 33. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all gasoline taxes levied in such counties, and authorizing said Department to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—85

And the bill:

H. 39. Relating to the location of liquor stores; to amend Code of Alabama 1940, Title 29, Section 73, to exempt cities having populations of not less than 12,350 nor more than 12,370 inhabitants therefrom.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—85

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Naramore, Sparks, Pegues, Edwards, Crowe and Drake voting "Nay" on the bill, H. 39.

And the bill:

H. 98. Relating to counties having a population of not less than 45,500 nor more than 52,000 inhabitants according to the most recent federal decennial census; authorizing nighttime hunting of racoons and opossums under certain conditions.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—85

And the bill:

H. 100. To amend Section 1 of Act No. 812, H. 1831, 1975 Regular Session of the Legislature, relating to clerk hire allowances for the tax assessor and tax collector in all counties having a population of not less than 13,500 nor more than 14,250 inhabitants according to the most recent decennial census so as to provide further for the amounts of such allowances.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—85

And the bill:

H. 132. To repeal Act No. 51, S. 326, 1971 Regular Session, (Acts 1971, p. 301), entitled "An Act Relating to counties having populations of not less than 16,350 nor more than 16,650, according to the most recent federal census; to fix compensation and traveling expenses of the Superintendent of Education; and to repeal conflicting laws."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—85

And the bill:

H. 135. To amend further Section 3 of Act No. 1945, H. 584, Regular Session of the 1971 Alabama Legislature (Acts 1971 Regular Session, p. 3143), which authorizes, provides for, and regulates the employment and compensation of a county engineer or a chief engineer of the Division of Public Roads in each county in the state, and prescribes his qualifications, so as to provide that in Cleburne County the county engineer need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of said county engineer's salary.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley,

Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—85

**And the bill:**

H. 136. Relating to all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according the most recent federal decennial census; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—85

**And the bill:**

H. 139. Relating to counties having populations of 10,660 or less inhabitants according to the most recent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in such counties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 38; Nays 5.

*Yeas:*

Mr. Speaker, Armstrong, Biddle, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Folmar, Hill, Hilliard, Hines, Hopping, Jackson (R), Johnson, Johnstone, Lee, LeFlore, Lockett, Lutz, McMillan, McNair, McNees, Manley, Martin, Merrill, Reed, Robertson, Shelton, Smith (B), Smith (J), Waggoner, Whatley, Williams and Wyatt.

—38

*Nays*: Messrs.: Barron, Drake, Mitchem, Quarles and Sparks. —5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 150. Relating to all counties having populations of not less than 65,500 nor more than 75,200 inhabitants according to the most recent decennial census; providing further for the government of all such counties; abolishing the county commission and creating a new commission in lieu thereof; providing for the selection of the members of such commission; prescribing their qualifications, terms, and compensation; providing for the organization and jurisdiction of the commission hereby created, and for the powers and duties of the individual members thereof; providing for and regulating county purchasing and the custody and use of certain county property; divesting the highway department of certain county functions and duties in relation to roads and bridges in all such counties, heretofore transferred to it, and revesting such functions in the county governing body of all such counties, providing, however, for the construction, maintenance and repair of county roads on the unit basis; providing for the transfer of certain funds, equipment, material and personnel from the state highway department to the commission hereby created; providing for the payment of salaries of certain county employees; providing that this Act shall become effective only upon a referendum at which two questions shall be submitted: 1. Shall the county take over the construction of its own roads and bridges? and 2. Shall the present governing body of the county be abolished and a new governing body be created as prescribed in this Act?

Was taken up.

H. 150 INDEFINITELY POSTPONED

On motion of Mr. Greer, the bill, H. 150, was indefinitely postponed.

And the bill:

H. 153. To provide authority to the governing body of cities in this state having not less than 60,000 nor more than 70,000 people, according to the last or any subsequent Federal decennial census, to employ a special police officer; providing for his condition of employment; providing for his tenure and compensation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Greer, Harris, Hill, Hilliard, Hines, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, McMillan, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—74

And the bill:

H. 160. Relating to all counties having populations of not less than 57,000 nor more than 61,000; providing further for the compensation and expenses of the circuit clerk and register in such counties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Callahan, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Gafford, Greer, Hall, Harris, Hill, Hilliard, Hopping, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lutz, McMillan, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Rich, Riddick, Roberts, Robertson, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—71

H. 167 TEMPORARILY CARRIED OVER

On motion of Mr. Venable, the bill, H. 167, was temporarily carried over.

And the bill:

H. 178. Relating to counties having a population of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census; to provide that the sheriff of such counties may sell supplies to prisoners and to provide for the disposition of revenue derived from such sales.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Barron, Biddle, Boles, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Ford, Gafford, Greer, Hall, Harris, Hill, Hilliard, Hines, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, LeFlore, Leonard, Lockett, Lutz, McMillan, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, White, Williams and Wyatt.

—72

And the bill:

H. 182. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Eufaula, in Barbour County.

Was taken up.

Mr. Crawford offered the following amendment to the bill:

In Section 1, on page 1, beginning after colon on line 22, strike out all of the remainder of Section 1 and insert in lieu thereof the following:

Beginning at the intersection of the present city limit, 500 feet North of the Old Creek Town Road, and the U. S. Government property line between the U. S. Corps of Engineers Permanent Reference Monuments 21-A and 21-B; thence North 03 degrees 34 minutes East 1274.9 feet to monument 21-B; thence in a Westerly direction parallel to city limit line North of Old Creek Town Road a distance of 4300 feet, more or less, to present city limit line East of U. S. Highway No. 431; thence East along present city limit line North of Old Creek Town Road to the point of beginning. Being bounded on the West and South by present city limit line; on the North by property of Jones and Reeves; and on the East by property of U. S. Government.

And the amendment was adopted.

Yeas 69; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Barron, Biddle, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Hall, Hill, Hilliard, Hines, Holley, Jackson (F), Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—69

And the bill, H. 182 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Barron, Biddle, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Greer, Harris, Hill, Hilliard, Hines, Holley, Jackson (F), Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McMillan, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—69

And the bill:

H. 184. To amend the title and Section 1 of Act No. 314, H. 276, 1975 Regular Session, approved September 14, 1975, entitled "An Act Relating to counties having a population of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to authorize the county governing body of such counties to appropriate public funds to the use of rescue squads incorporated under the non-profit corporation laws of this state," so as to correct a typographical error in the population span in order that the new population span shall read "not less than 39,500 nor more than 41,750"; to make the provisions of this Act retroactive to September 14, 1975.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

*Yeas:*

Mr. Speaker, Barron, Campbell, Carothers, Carter, Clark, Cooper, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Greer, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McMillan, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—68

And the bill:

H. 186. To amend the title and Section 1 of Act No. 313, H. 275, 1975 Regular Session, approved September 16, 1975, entitled "An Act Relating to counties having a population of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to provide for paying the expenses of deputy sheriffs attending any school or training program where their expenses are not otherwise provided for by law," so as to correct a typographical error in the population span in order that the new population span shall read "not less than 39,500 nor more than 41,750"; to make the provisions of this Act retroactive to September 16, 1975.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

*Yeas:*

Mr. Speaker, Armstrong, Barron, Biddle, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Drake, Edwards, Falkenburg, Folmar, Gafford, Greer, Hall, Harris, Hilliard, Hines, Holley, Jackson (F), Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—64

And the bill:

H. 187. To amend the title and Section 1 of Act No. 417, H. 278, 1975 Regular Session, approved September 18, 1975, entitled "An Act Relating to counties having populations of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to limit the liability of sheriffs for the acts of his deputies where he does not participate or where they do not act under his direction and control; to authorize the employment of an attorney out of county funds to advise and represent the sheriff," so as to correct a typographical error in the population span in order that the new population span shall read "not less than 39,500 nor more than 41,750"; to make the provisions of this Act retroactive to September 18, 1975.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Barron, Boles, Campbell, Carter, Cates, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Greer, Hall, Harris, Higginbotham, Hilliard, Hines, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (W), Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—69

H. 192 TEMPORARILY CARRIED OVER

On motion of Mr. Clark, the bill, H. 192, was temporarily carried over.

And the bill:

H. 179. Relating to counties having a population of not less than 34,875 nor more than 36,000 inhabitants according to the most recent federal decennial census, allowing the municipal governing bodies of the three largest municipalities located in any such counties to determine the closing hours for places selling alcoholic beverages within their respective city limits.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Barron, Biddle, Boles, Campbell, Carothers, Cates, Cooper, Crawford, Falkenburg, Folmar, Gafford, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kinsey, Lee, LeFlore, Leonard, Lockett, Lutz, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Owens, Pegues, Plaster, Reed, Rich, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Sonnier, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—58

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Drake and Sparks voting "Nay" on the bill, H. 179.

And the bill:

H. 195. To provide for making a barber commission inoperative and the law creating such commission and defining its powers inoperative, except in certain cases. To provide for the procedure whereby the commission shall become inoperative and the procedure whereby, after it becomes inoperative, it can become operative again.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Cates, Cooper, Crawford, Drake, Falkenburg, Folmar, Ford, Gafford, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Jackson (F), Johnstone, Jolly, Kelley, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McMillan, McNair, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Owens, Plaster, Reed, Rich, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, White, Williams and Wyatt.

—61

And the bill:

H. 201. Relating to all counties having a population of not less than 22,575 and not more than 23,800 inhabitants according to the most recent federal decennial census; providing for the appointment of a bailiff to serve in the circuit and county courts of such counties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Barron, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Falkenburg, Folmar, Gafford, Greer, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Jackson (F), Johnstone, Kelley, Killlian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Reed, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—67

And the bill:

H. 192. To amend Sections 3 and 4 of Act No. 1287, H. 1740, Regular Session, 1971 relating to the sale of alcoholic beverages in counties having populations of not less than 115,000 nor more than 150,000 inhabitants according to the most recent federal decennial census so as to regulate further the sale of alcoholic beverages in such counties.

Having been temporarily carried over, was taken up.

H. 192 RECOMMITTED

On motion of Mr. Robertson, the Speaker recommitted the bill, H. 192, to the Standing Committee on Local Legislation No. 1.

And the bill:

H. 213. To amend Section 1 of Act No. 626, H. 815, approved September 8, 1967 (Acts of Alabama, Organizational Special Regular Session 1967, Volume 2, Page 1430), an act entitled "To provide clerical assistance to the Circuit Clerk, Probate Judge, Tax Assessor, Tax Collector, Register in Chancery, County Judge and Sheriff of Cherokee County, Alabama, to provide for the selection, employment and discharging of such assistants, to fix their compensation and provide for the payment therefor out of the county funds", so as to include in paragraph 1 of said Section

1 the Office of the Deputy Solicitor; to repeal Act No. 197, H. 214, Special Session 1967 (Acts 1967, P. 243), as amended.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Cates, Clark, Crawford, Drake, Falkenburg, Folmar, Gafford, Greer, Hall, Harris, Higginbotham, Hilliard, Hines, Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Rich, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—68

And the bill:

H. 217. To alter, rearrange and extend the boundaries of the Town of Blue Springs, so as to include within the corporate limits thereof certain additional territory in portions of Section 13, 14, 23, and 24, Township 8 North, Range 25 East, Barbour County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Cates, Clark, Coburn, Crawford, Drake, Falkenburg, Folmar, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hilliard, Hines, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—70

And the bill:

H. 225. Relating to Cherokee County: To provide further for the distribution of fines in certain cases.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Brindley, Campbell, Carothers, Cates, Clark, Coburn, Crawford, Drake, Falkenburg, Folmar, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan,

Malone, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—67

## H. 226 TEMPORARILY CARRIED OVER

On motion of Mr. Greer, the bill, H. 226, was temporarily carried over.

And the bill:

H. 227. To amend Act No. 1620, H. 2009 of the Regular Session of 1971 (Acts 1971, p. 2779), which is entitled "An Act To provide for a clerk-hire allowance for a secretary for any judge of a county court operating within the Eleventh Judicial Circuit," so as to increase the clerk-hire allowance.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Campbell, Carothers, Cates, Clark, Coburn, Cross, Drake, Falkenburg, Folmar, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, Malone, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—71

And the bill:

H. 112. The repeal Act No. 933, H. 781 of the Regular Session of the Legislature of 1975, approved October 9, 1975 (M.S.) entitled: "An Act, To amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939, (Local Acts, 1939, p. 298) which creates and establishes the county-wide Civil Service System in Mobile County."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Baker, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Crawford, Cross, Drake, Falkenburg, Folmar, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hines, Holley, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, Malone, Martin, Merrill, Moore (O), Morris, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Whatley, White, Williams and Wyatt.

—66

And the bill:

H. 113. Providing further for the solemnization of marriages in counties having populations of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; providing for the appointment of a person authorized to solemnize marriages in each such county in addition to those persons now authorized by law to solemnize marriages; prescribing the qualifications, term of office, powers and duties of persons hereby authorized to solemnize marriages; and providing that any charge for a marriage ceremony shall not exceed the amount allowed the probate judge for such ceremony.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Drake, Falkenburg, Folmar, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hines, Holley, Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, Malone, Manley, Martin, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—71

And the bill:

H. 114. Relating to all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census to authorize the governing body and election officials of those counties which use voting machines which produce printouts that contain all required data regarding registering or recording and computing the vote at all elections to use such printout sheets and to make any required certificates or statements thereon; providing that such shall satisfy the provisions of Alabama Code 1940, Title 17, Chapter 1, Article 7.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Crawford, Cross, Drake, Falkenburg, Folmar, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hilliard, Hines, Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—72

And the bill:

H. 116. This bill repeals Act No. 1167, S. 1179 of the Regular Session of the Legislature of 1975, approved October 10, 1975 (m.s.), entitled: "An Act To provide for Supernumerary-Retired Probate Judges in all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census; to prescribe the qualifications, term, duties, powers, authority, compensation and benefits of such supernumeraries; to provide for a Probate Judges Retirement Fund in such counties; to regulate the administration and supervision of said fund and to repeal all conflicting statutes."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hines, Holley, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, LeFlore, Lewis, Lockett, Lutz, McCluskey, McMillan, Malone, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—71

And the bill:

H. 73. To amend Section 2 of Act No. 478, Regular Session, 1961, dealing with composition of, appointment, terms and compensation of members; officers, rules and regulations of museum boards of any municipality in the State of Alabama having a population of not less than one hundred thousand (100,000) nor more than two hundred thousand (200,000) according to the last or any subsequent federal decennial census.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Goodwin, Greer, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, Malone, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—74

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. White to suspend the rules in order to bring up out of order the bill, H. 168, was lost, lacking a four-fifths vote.

Yeas 15; Nays 7.

*Yeas:*

Messrs.: Albright, Andrews, Armstrong, Biddle, Hall, Harrison, Hilliard, Hopping, Howard, Jackson (R), Leonard, McNair, Porter, Weeks and White.

—15

*Nays:*

Messrs.: Boles, Falkenburg, Gafford, Jolly, Moore (O), Trammell and Waggoner.

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BILLS ON THIRD READING RESUMED

And the bill:

H. 46. To make the provisions of Chapter 5, Title 26, of the 1940 Code of Alabama, as now or hereafter amended, inapplicable to all cities having a population of 250,000 or more, to any park board of such cities, to the boards and agencies authorized by such cities, and to the employees of any such city, board or agency.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

*Yeas:*

Mr. Speaker, Armstrong, Biddle, Boles, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Falkenburg, Gafford, Goodwin, Greer, Hall, Harris, Harrison, Hill, Holley, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Teague, Turnham, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—67

And the bill:

H. 67. Providing further for the administration of justice in counties having populations of six hundred thousand or more according to the most recent federal decennial census, specifically further regulating the jurisdiction and the cost and charges of inferior civil courts in such counties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Falkenburg, Folmar, Gafford, Greer, Hall, Hill, Hines, Holley, Hopping, Jackson (F), Jackson (R), Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, Martin, Merrill, Mitchem, Moore (O), Morris, Owens, Plaster, Porter, Quarles, Reed, Riddick, Roberts, Shelton, Smith (B), Smith (C), Smith (J), Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—61

And the bill:

H. 72. (With Amendment): Relating to any county having a population of 600,000 or more according to the most recent federal decennial census; providing for the election of constables in any such county.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend H. H. 72, Section 2, by adding after the word "precincts", "Senate Districts".

AMENDMENT TABLED

On motion of Mr. Gafford, the amendment reported by the Standing Committee on Local Legislation No. 2 to the bill, H. 72, was tabled.

Yeas 12; Nays 8.

*Yeas:*

Messrs.: Andrews, Armstrong, Biddle, Boles, Falkenburg, Gafford, Hopping, Jolly, Moore (O), Trammell, Waggoner and White.

—12

*Nays:*

Messrs.: Hall, Harrison, Hilliard, Howard, Jackson (R), Leonard, McNair and Porter.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 72, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 12; Nays 7.

*Yeas:*

Messrs.: Andrews, Armstrong, Biddle, Boles, Falkenburg, Gafford, Hopping, Jolly, Moore (O), Trammell, Waggoner and White.

—12

*Nays:*

Messrs.: Harrison, Hilliard, Howard, Jackson (R), Leonard, McNair and Porter.

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 131. To fix supplemental salaries for each circuit clerk and each deputy circuit clerk elected by the people in counties having a population of not less than 600,000 according to the most recent Federal decennial census.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 38; Nays 2.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Biddle, Boles, Carothers, Crawford, Crowe, Falkenburg, Gafford, Hall, Hines, Holmes, Hopping, Jackson (R), Johnson, Jolly, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Merrill, Moore (O), Morris, Porter, Robertson, Sasser, Starkey, Trammell, Weeks, Whatley, White and Wyatt.

—38

*Nays*: Messrs.: Leonard and McNair. —2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 226. Relating to all counties having populations of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; to provide for and regulate the holding of a referendum election in each such county to determine whether the construction and maintenance of the county roads shall be under the supervision and control of the state highway department or the county governing body; to provide for the organization, compensation and duties of a citizen's committee in each such county to study this subject and to make a report, including recommendations, of its study before the referendum; to authorize the county governing body to pay a per diem and expenses to the members of the committee, and to provide professional and clerical assistants to the committee, provided all such expenses shall not exceed the limit herein prescribed.

Having been temporarily carried over, was taken up.

Mr. Hill offered the following substitute to the bill:

A BILL
TO BE ENTITLED
AN ACT

Relating to all counties having populations of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; to provide for and regulate the holding of a referendum election in each such county to determine whether the construction and maintenance of the county roads shall be under the supervision and control of the state highway department or the county governing body; to provide for the organization, compensation and duties of a citizen's committee in each such county to study this subject and to make a report, including recommendations, of its study before the referendum; to authorize the county governing body to pay a per diem and expenses to the members of the committee, and to provide professional and clerical assistants to the committee, provided all such expenses shall not exceed the limit herein prescribed.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties of this state having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census.

Section 2. In any county to which this act applies the county governing body shall call, and provide for holding, a referendum to determine whether the construction and maintenance of the county road system shall remain under the supervision and control of the state highway department or whether the county road system shall revert to the supervision and control of the county governing body. The referendum shall be held not more than 14 months from the effective date of this act.

Section 3. The county governing body shall appoint an interim citizen's committee of not more than seven members to study the matter and such other related matters concerning county government and make recommendations based on their findings to the county governing body not later than eight months from the passage of this Act. Members of the Lauderdale County legislative delegation shall be ex efficio members of the committee. Such recommendations or a synopsis thereof shall be published in a newspaper of general circulation in the county, once a week for four consecutive weeks prior to the referendum. An expenditure of not more than $20,000.00 from the county road and bridge fund shall be allowed and allocated for the use of the study committee for the interim 14-month period. In addition, the county governing body may provide expenses and per diem allowances out of said funds. The county may retain such accountants, attorneys or other consultants as may be deemed advisable by the citizen's committee to obtain the factual information needed. Such consultants shall be retained by the citizen's committee with the consent and approval of the county governing body.

Section 4. All law or parts of laws pertaining to any such county, which conflict with this act, are hereby repealed.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 47; Nays 1.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Boles, Brindley, Campbell, Carothers, Carter, Coburn, Crawford, Drake, Falkenburg, Folmar, Gafford, Goodwin, Greer, Hall, Hill, Holley, Hopping, Howard, Jackson (F), Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lutz, McCulley, McMillan, Martin, Moore (O), Morris, Naramore, Owens, Quarles, Sparks, Starkey, Trammell, Waggoner, Weeks, Whatley, Williams and Wyatt.

—47

*Nay:* Mr. Jackson (R).

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 226 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Boles, Brindley, Campbell, Carothers, Carter, Coburn, Crawford, Falkenburg, Gafford, Goodwin, Greer, Hall, Higginbotham, Hill, Hilliard, Holley, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Martin, Merrill, Moore (O), Naramore, Owens, Plaster, Quarles, Reed, Roberts, Robertson, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Teague, Trammell, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—61

And the bill:

H. 167. Relating to Elmore County; to provide an additional expense allowance for the county license inspector, and furnishing proof thereof.

Having been temporarily carried over, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Crowe, Drake, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Higginbotham, Hilliard, Hines, Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian,

Kinsey, LeFlore, Leonard, Lewis, Lutz, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Rich, Roberts, Robertson, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—71

And the bill:

H. 171. To amend Act No. 79 of the Special Session of the Legislature of Alabama of 1966, approved August 17, 1966, (Ala. Acts, 1966 Special Session, p. 106 et seq.) as heretofore amended providing in Jefferson County for the creation and maintenance of districts for fighting or preventing fires, districts for the collection and disposal of garbage and districts for both of the aforesaid purposes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 3.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Carothers, Carter, Crawford, Gafford, Goodwin, Greer, Hill, Hines, Hopping, Howard, Jackson (F), Johnson, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Plaster, Porter, Quarles, Rich, Roberts, Robertson, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Turnham, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—59

*Nays*: Messrs.: Leonard, Lewis, and McNair. —3

And the bill:

H. 30. Relating to Jackson County; to provide further for the payment of additional expense allowances to the chairman of the Board of Revenue of Jackson County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Crawford, Cross, Drake, Falkenburg, Folmar, Gafford, Goodwin, Greer, Hall, Hines, Howard, Jackson (F), Johnson, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Roberts, Robertson, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—67

And the bill:

H. 172. Relating to counties having not less than 38,100 nor more than 40,500 population, according to the most recent federal decennial

census; to provide a secretary for the District Attorney of the Circuit Court serving any such county a secretary who shall be appointed by the District Attorney, and serve at the pleasure of the District Attorney, and shall perform such duties as the District Attorney may direct. The said secretary may be removed from office at any time by the said District Attorney. The salary of such secretary shall be fixed by the District Attorney at a sum of not less than the salary received by the Clerk-Secretary to the presiding Circuit Judge of said County. The salary of said secretary shall be paid out of the county treasury of such county as the salaries of other county officers and employees are paid.

Was taken up.

Mr. Lutz offered the following substitute to the bill:

A BILL
TO BE ENTITLED
AN ACT

Relating to counties having not less than 38,100 nor more than 40,500 population, according to the most recent federal decennial census; to provide a secretary for the District Attorney of the Circuit Court serving any such county.

Be It Enacted by the Legislature of Alabama:

Section 1. This act relates to all counties having a population of not less than 38,100 nor more than 40,500 inhabitants according to the most recent federal decennial census.

Section 2. A secretary shall be appointed by the District Attorney, and serve at the pleasure of the District Attorney and shall perform such duties as the District Attorney may direct. The said secretary may be removed from office at any time by said District Attorney. The salary of such secretary shall be the same as the salary received by the Clerk-Secretary to the presiding Circuit Judge of said county. The salary of said secretary shall be paid out of the county treasury of such county as the salaries of other county officers and employees are paid.

Section 3. Any such secretary of the said District Attorney is hereby empowered, when so directed by the District Attorney to attend the grand juries of any such county; to prepare indictments, and documents arising therefrom; to transcribe witnesses' testimony heard by said grand jury in any such county and to administer oaths in connection therewith or in any other investigations being conducted by the said District Attorney's office.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 69; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Carothers, Carter, Clark, Coburn, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Hines, Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Quarles, Reed, Riddick, Roberts, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—69

And the bill:

H. 172. Relating to counties having not less than 38,100 nor more than 40,500 population, according to the most recent federal decennial census; to provide a secretary for the District Attorney of the Circuit Court serving any such county.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Crawford, Crowe, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Higginbotham, Holley, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Robertson, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—72

And the bill:

H. 198. Relating to Etowah County; to provide for election of the county superintendent of education; to prescribe the qualifications, duties, term of office, and compensation of such officer; and to repeal Act No. 540, S. 593 of the Regular Session of 1967 and all other conflicting laws.

Was taken up.

Mr. Rich offered the following substitute to the bill:

A BILL
TO BE ENTITLED
AN ACT

Relating to Etowah County; to provide for election of the county superintendent of education; to prescribe the qualifications, duties, term of office, and compensation of such officer; and to repeal Act No. 540, S. 593 of the Regular Session of 1967 and all other conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply only in Etowah County.

Section 2. The county superintendent of education of Etowah County shall be elected by only the qualified voters that reside in the area which he serves. The term of office of the superintendent of education shall be four (4) years. The superintendent must be a legal resident of such county. In the event of a vacancy in the office from any cause whatever, the county board of education shall fill such vacancy in the manner provided by the general laws of the State of Alabama, for the unexpired term until the next general election, at which time the position shall be filled for the remaining unexpired term.

Section 3. Any person who is employed by the county board of education or any board of education within the county who meets the qualifications for the office may run for the office of superintendent of education. An employee who does run for this office shall not be required to resign or take leave of absence from the position which such person presently holds, so long as said person does not neglect the duties of his employment.

Section 4. The county superintendent of education of Etowah County shall be a person of good moral character, of recognized ability as a school administrator or as a classroom teacher, with academic accredited professional education equivalent to graduation from a standard university or college and having a master's degree. Prior to being elected the superintendent shall have had at least five (5) years of public school administration experience or classroom teaching experience, or a combination of both.

Section 5. The Etowah County superintendent of education shall perform and discharge all the duties prescribed by general law for the county superintendent of education. The superintendent shall have the authority to appoint an assistant superintendent, if he deems an assistant necessary, and such assistant necessary, and such assistant shall serve at the pleasure of the superintendent, and shall have the same qualifications as the superintendent. The superintendent shall also have all duites heretofore or hereafter prescribed by local law.

Section 6. The salary of the county superintendent of education shall be fixed at $25,000.00 per year and the assistant superintendent of education shall be fixed by the county board of education at an amount deemed adequate and feasible, which shall be payable at the time and in the manner prescribed by the general laws of Alabama regulating the payment of compensation of county superintendents of education.

Section 7. The provisions of this act relative to qualifications for office shall not apply to those who are currently serving as superintendent or assistant superintendent of education.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. Act No. 540, S. 593 of the Regular Session of 1967 and all other laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law. It is intended that the provisions of this act relative to election of the superintendent shall be in effect at the primary and general election at the term beginning January 1, 1977 shall be filled.

And the substitute was adopted.

Yeas 64; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Callahan, Campbell, Carothers, Clark, Coburn, Cooper, Crawford, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Hill, Hines, Holley, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Pegues, Plaster, Reed, Riddick, Roberts, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Williams and Wyatt.

—64

And the bill, H. 198 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Drake, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Higginbotham, Hill, Hines, Holley, Holmes, Johnson, Johnstone, Jolly, Kelley, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Rich, Riddick, Roberts, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Trammell, Turnham, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—65

RESOLUTION

The following resolution was introduced:

By Mr. Callahan:

H. R. 29. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That there be a committee of one appointed by the Speaker to study I. R. S. regulations, particularly as they concern matters relating to state employees and officers.

Said committee will meet no more than ten days and during such meetings the member will receive the regular pay and expenses from funds appropriated to the Legislature.

The committee will make available to each member of the House and Senate a copy of its findings.

On motion of Mr. Gafford, the rules were suspended and the resolution, H. R. 29, was adopted.

BILLS ON THIRD READING RESUMED

And the bill:

H. 212. Relating to all counties having a population of 90,000 to 100,000, in the most recent Federal Decennial census: To provide for the distribution of fines in certain cases.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Crowe, Drake, Folmar, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Johnson, Jolly, Kelley, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley and Williams.

—68

And the bill:

H. 151. To amend and re-enact Act No. 206, H. 1, 1975 Third Special Session, entitled "To establish length and periods of time for law enforcement officers in which they would be recognized for service to the state by increased allowances," so that certain provisions will apply to all cities having a population of not less than 60,000 nor more than 130,000, all cities having population of not less than 9,400 nor more than 9,900, and all counties having a population of not less than 115,000 nor more than 150,000 according to the most recent federal census.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Drake, Folmar, Goodwin, Greer, Hall, Harris, Hill, Hines, Holley, Johnson, Kelley, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Robertson, Sandusky, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Weeks and Williams.

—65

And the bill:

H. 130. Relating to the thirteenth judicial circuit; providing for an additional circuit court judge in such circuit and prescribing the duties, authority, and compensation of such judge.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Cates, Clark, Cooper, Crawford, Crowe, Drake, Folmar, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Hopping, Jackson (F), Johnstone, Kelley, Kinsey, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Reed, Riddick, Roberts, Robertson, Sandusky, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Trammell, Venable, Waggoner, Warren, Weeks and Williams.

—62

And the bill:

H. 203. To repeal Act No. 604, H. 1753, Regular Session 1975, approved 5:00 P.M., October 1, 1975, entitled "Relating to all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the most recent federal decennial census; to provide for the compensation of certain county officers on a salary basis; to provide that the fees, commissions and allowances of such officers shall be deposited in the general fund of such counties; and to provide for the operation of the offices of such officers."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Cooper, Crawford, Drake, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Johnstone, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Moore (O), Moore (W), Naramore, Pegues, Plaster, Reed, Riddick, Roberts, Sandusky, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Trammell, Waggoner, Warren, Weeks, Williams and Wyatt.

—58

And the bill:

H. 205. Relating to Coosa County; to provide for the compensation of certain county officers on a salary basis; to provide that the fees, commissions and allowances of such officers shall be deposited in the general fund of the county; and to provide for the operation of the offices of such officers.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Baker, Barron, Brindley, Campbell, Carothers, Cates, Cooper, Crawford, Folmar, Glass, Greer, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Hopping, Jackson (F), Johnstone, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Sandusky, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Trammell, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—59

And the bill:

H. 207. To provide clerical assistance for certain agencies in counties having a population of not less than 65,000 nor more than 68,000.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64, Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Barron, Biddle, Brindley, Campbell, Carothers, Cates, Clark, Cooper, Crawford, Dial, Folmar, Glass, Greer, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Hopping, Jackson (F), Johnstone, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Riddick, Roberts, Sandusky, Smith (B), Smith (C), Sonnier, Sparks, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—64

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Smith (M), the rules were suspended in order to bring up out of order the bill, H. 240.

And the bill:

H. 240. To amend the title and Sections 1 and 4 of Act No. 29, H. 44, 1970 Extraordinary Session (Acts 1969-1970, p. 2631—now appearing in Code of Alabama 1940, Title 50, Sections 99 and 102), which Act provides for the incorporation of Districts, as public corporations, for the purpose of furnishing water service, sanitary sewer service, and fire protection service so as to bring the incorporation of certain solid wastes disposal districts within the purview of said Act and to repeal all conflicting statutes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Carothers, Carter, Cates, Cooper, Crawford, Cross, Folmar, Gafford, Glass, Greer, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sandusky, Smith (B), Smith (C), Smith (M), Sparks, Trammell, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—66

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Campbell, the rules were suspended in order to bring up out of order the bill, H. 133.

And the bill:

H. 133. To name that portion of U.S. Highway 11 that is within Sumter County the "Livingston University Highway".

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Brindley, Callahan, Campbell, Ca-

rothers, Carter, Cates, Cooper, Crawford, Dial, Folmar, Gafford, Glass, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—72

## MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Barron, the rules were suspended in order to bring up out of order the bill, H. 188.

And the bill:

H. 188. To amend the title and Section 1 of Act No. 132, H. 78, 1967 Regular Session (Acts of 1967, p. 470) entitled, "An Act Fixing supplemental salaries of circuit judges in circuits composed of one county and having not less than six nor more than twelve circuit judges, and to authorize and provide for the payment of a monthly expense allowance for circuit judges in circuits composed of one county and having not less than six nor more than twelve circuit judges," so as to make the provisions of the Act apply to circuits composed of one county having not less than seven nor more than twelve circuit judges.

Was taken up.

Mr. Barron offered the following amendment to the bill:

Amend H. B. 188 by deleting the word "seven" and inserting in lieu thereof the word "eight" wherever the word "seven" appears on Page 1 at line 13, on Page 1 at line 28, on Page 2 at line 6, on Page 2 at line 9, and on Page 2 at line 12.

And the amendment was adopted.

Yeas 65; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Crawford, Drake, Folmar, Glass, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kennedy, Killian, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sparks, Trammell, Turnham, Venable, Warren, Weeks, White and Wyatt.

—65

And the bill:

H. 188. To amend the title and Section 1 of Act No. 132, H. 78, 1967 Regular Session (Acts of 1967, p. 470) entitled, "An Act Fixing supplemental salaries of circuit judges in circuits composed of one county and having not less than six nor more than twelve circuit judges, and to authorize and provide for the payment of a monthly expense allowance for circuit judges in circuits composed of one county and having not less than six nor more than twelve circuit judges," so as to make the pro-

visions of the Act apply to circuits composed of one county having not less than eight nor more than twelve circuit judges.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

*Yeas:*

Mr. Speaker, Baker, Barron, Brindley, Callahan, Carothers, Carter, Cates, Drake, Falkenburg, Folmar, Glass, Greer, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kennedy, Killian, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Quarles, Reed, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (J), Smith (M), Sparks, Teague, Trammell, Turnham, Venable, Warren, Weeks, White, Williams and Wyatt.

—65

## MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Mr. Sonnier offered the motion to reconsider the vote by which the bill, H. 130, was passed, and the motion was adopted.

Yeas 51; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Crawford, Falkenburg, Folmar, Glass, Greer, Hall, Higginbotham, Holley, Jackson (F), Johnstone, Jolly, Kennedy, Killian, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, Malone, Merrill, Mitchem, Moore (O), Naramore, Owens, Reed, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Trammell, Turnham, Venable, Warren, Weeks, White and Wyatt.

—51

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 130. Relating to the thirteenth judicial circuit; providing for an additional circuit court judge in such circuit and prescribing the duties, authority, and compensation of such judge.

Was again taken up.

Mr. Sonnier offered the following amendment to the bill:

Amend House Bill 130 by deleting Section 1 in its entirety and inserting in lieu thereof the following:

Section 1. There is hereby created an additional judgeship for the thirteenth judicial circuit, which shall be designated judgeship number 9. The existing judgeships shall continue to be designated as judgeships numbers 1 through 8. The additional judge shall be appointed for the circuit by the governor within ten days after the effective date of this

act, and he shall hold office until his successor is elected and qualified at the next general election for any state office. The successor judge so elected and qualified shall hold office until the following general election of circuit judges.

And the amendment was adopted.

Yeas 52; Nays 0.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Crawford, Folmar, Glass, Greer, Hall, Harris, Higginbotham, Holley, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, Malone, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Roberts, Sandusky, Smith (B), Smith (M), Sonnier, Sparks, Trammell, Turnham, Venable, Waggoner, Warren, Williams and Wyatt.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 130 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Baker, Brindley, Callahan, Carothers, Crawford, Falkenburg, Folmar, Greer, Hall, Harris, Higginbotham, Holley, Jackson (F), Kelley, Kennedy, LeFlore, Leonard, Lutz, McCluskey, McCulley, Malone, Merrill, Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Turnham, Venable, Warren and Wyatt.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Baker, the rules were suspended in order to bring up out of order the bill, H. 53.

And the bill:

H. 53. To designate and name certain buildings at the Chattahoochee Valley Community College.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Crawford, Dial, Drake, Falkenburg, Folmar, Gafford, Glass Greer, Harris, Higginbotham, Hill, Hilliard, Holley, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, Lewis, Lockett, Lutz, McCulley, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Robertson, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—67

## MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Mr. Hines offered the motion to reconsider the vote by which the bill, H. 179, was passed, and the motion was adopted.

And the bill:

H. 179. Relating to counties having a population of not less than 34,875 nor more than 36,000 inhabitants according to the most recent federal decennial census, allowing the municipal governing bodies of the three largest municipalities located in any such counties to determine the closing hours for places selling alcoholic beverages within their respective city limits.

Was again taken up.

Mr. Hines offered the following amendment to the bill:

Amend H. 179 as follows:

on line 19 delete the words "city limits" and insert in lieu thereof the words: police jurisdiction

On line 27 delete the words "muncipal limits" and insert in lieu thereof the words: police jurisdiction

And the amendment was adopted.

Yeas 49; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Baker, Brindley, Campbell, Carothers, Carter, Cates, Crawford, Drake, Falkenburg, Folmar, Greer, Hall, Harris, Higginbotham, Jackson (F), Johnson, Jolly, Kelley, Killian, LeFlore, Lewis, Lutz, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Owens, Plaster, Quarles, Reed, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Warren, Williams and Wyatt.

—49

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

the Clerk reported that there was a quorum present.

And the bill:

H. 179. Relating to counties having a population of not less than

34,875 nor more than 36,000 inhabitants according to the most recent federal decennial census, allowing the municipal governing bodies of the three largest municipalities located in any such counties to determine the closing hours for places selling alcoholic beverages within their respective police jurisdiction.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 2.

*Yeas:*

Mr. Speaker, Albright, Baker, Biddle, Boles, Brindley, Carothers, Carter, Cates, Crawford, Falkenburg, Folmar, Gafford, Greer, Harris, Higginbotham, Hilliard, Hopping, Jackson (F), Johnson, Jolly, Kelley, Killian, LeFlore, Lewis, Lockett, Lutz, McCluskey, Manley, Martin, Merrill, Mitchem, Moore (O), Owens, Plaster, Quarles, Riddick, Roberts, Robertson, Shelton, Smith (B), Smith (J), Smith (M), Starkey, Trammell, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—52

*Nays*: Messrs.: Drake and Sparks. —2

RESOLUTIONS

The following resolutions were introduced:

By Mr. Crowe:

H. R. 30. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the synopsis on general bills include a statement of the source of funding if funding is involved in the bill. Also local bills affecting state revenue shall be included.

On motion of Mr. Crowe, the rules were suspended and the resolution, H. R. 30, was adopted.

Yeas 76; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Coburn, Crawford, Cross, Dial, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Holley, Hopping, Jackson (F), Johnson, Johnstone, Jolly, Killian, Kinsey, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Sonnier, Sparks, Taylor, Teague, Trammell, Turnham, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—76

Also:

By Mr. Armstrong:

H. J. R. 31. WHEREAS, The Department of Public Safety for many years has maintained and operated in the Bessemer Division of the Jefferson County Court House an office for the purpose of administering driver's license examinations serving the entire Bessemer Cut-off area of Jefferson County, which represents a population of 170,000, and;

WHEREAS, This service has been and is deemed a vital necessity for the citizens of said Bessemer Cut-off, and;

WHEREAS, It has come to the attention of citizens in the Bessemer Cut-off area that the Department of Public Safety is considering abolishing the said office for testing applicants for issuance of driver's license.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That the director of the Department of Public Safety is hereby requested to continue the operation of this office and in the Court House of the Bessemer Division in Jefferson County as a convenience and necessity for the citizens thereof.

On motion of Mr. Armstrong, the rules were suspended and the resolution, H. J. R. 31, was adopted.

Also:

By Messrs.: McCorquodale, Crowe, Merrill, Turnham, Barron, Naramore, Folmar, Coburn, Plaster, Crawford, Carothers, Williams, McCluskey, McNair, Riddick, Robertson, Waggoner, Manley, Pegues, Campbell, Lockett, Jackson (F), Owens, Baker, Higginbotham, Dial, Smith (C), Whatley and Teague:

H. R. 32. CAUTIONING STATE JUNIOR COLLEGES IN REGARD TO OVER EXPANSION, PARTICULARLY WITH REGARD TO THEIR EXTENSION CENTERS AND EXTENSION SERVICES.

WHEREAS the House of Representatives has noted with growing alarm the fact that many of the state junior colleges throughout this state have gotten away from the concept of being an educational center for a certain community or a certain regional area and are expanding through the guise of opening extension centers in localities and cities where they were not supposed to operate; and

WHEREAS the House of Representatives takes the view that this so called expansion into extension centers is very often wasteful of public education funds and leads to duplication of services; and

WHEREAS the House wishes to serve notice on the presidents and administrators of all junior colleges that it will not tolerate this wasteful duplication of effort and is well aware of the unwarranted activities of certain junior colleges in this field; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE That they do serve warning on the presidents and administrators of all state junior colleges to cease and desist from the unwarranted and wasteful expansion of their services into areas where it was never contemplated that they should operate.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 32, was adopted.

BILLS ON THIRD READING RESUMED

And the bill:

H. 9. (With Substitute): To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1976.

Was taken up.

The question was then on the adoption of the substitute reported

by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1976.

Be It Enacted by the Legislature of Alabama:

Section 1. That for the purpose of this Act, the following classifications, definitions and restrictions shall be applicable: (a) "salary" and "other salaries", werever appearing herein, shall mean the wages or other compensation for skill, work or employment for anyone performing services for the State of Alabama as an employee, officer or official, and shall be expended only for such purposes; (b) "other expenses" shall mean the operating costs of agencies, departments, boards, bureaus and institutions of the State, other than salaries and equipment purchases and shall be expended only for operating costs incident to the normal operations of such agencies, departments, boards, bureaus and institutions, including supplies and materials, postage, telephone, telegraph, express, travel expense, motor vehicle operations, lights, water, power, insurance and bonding, printing and binding, repairs, rental and items of general expense not defined as "equipment purchases", and the money appropriated therefor shall be expended only for such purposes; (c) "equipment purchases" shall mean those items of office equipment, motor vehicle equipment and other equipment which have an appreciable and calcuable period of usefulness in excess of one year; (d) "automotive equipment purchases" shall mean those items of motor vehicle equipment only and the money appropriated therefor shall be expended only for such purposes. The amounts herein appropriated for "equipment purchases" and "automotive equipment purchases" shall be decreased by the amount of the sale, trade-in or exchange of the items of equipment purchases and automotive equipment purchases as described in Section 1 (c) and (d) hereof. Provided, however, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

Section 2. The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1976, and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 3, Chapter 4, Title 55 of the Code of Alabama 1940) and shall be in the amounts specified in said sections.

Section 3. STATE BOARD OF EDUCATION:

A. For Adult Basic Education:
To be used to match Federal Funds for a removal of illiteracy program ..... 185,000.00

B. Athens College:
Operation and maintenance ..... 1,000,000.00

| | | |
|---|---|---|
| C. Civil Defense Survival Plan: | | |
| For salaries and other expenses only, in the operation of the Civil Defense Plan | | 17,000.00 |
| D. Civilian Rehabilitation: | | |
| For the vocational rehabilitation of handicaped individuals | 4,860,000.00 | |
| For the Governor's Committee on Employment of Handicapped | 40,000.00 | |
| For Medical Services, adjustment training and attendant care for paraplegics and quadraplegics | 800,000.00 | |
| Total | | 5,700,000.00 |
| E. For Compact for Education (To be expended in accordance with Act No. 1143, 1969 Regular Session.) | | 15,750.00 |
| F. Coordination of In-School Television Program: | | |
| For salaries | 80,000.00 | |
| For other expenses | 19,000.00 | |
| For equipment purchases | 1,000.00 | |
| Total | | 100,000.00 |
| G. For Driver Education, School Bus Driver Training and Vehicle Safety Inspection: | | |
| For salaries | 218,000.00 | |
| For other expenses | 80,000.00 | |
| For equipment purchases | 4,000.00 | |
| Total | | 302,000.00 |
| H. For Driver Education | | 4,415,000.00 |
| I. Drug Education Program: | | |
| For the necessary education on drug abuse | | 163,625.00 |
| J. DEPARTMENT OF EDUCATION: | | |
| (a) For the Department of Education: | | |
| For the salary of the State Superintendent, Estimated | 27,208.00 | |
| For other salaries | 1,036,992.00 | |
| For other expenses | 160,000.00 | |
| For rental expense | 475,000.00 | |
| For equipment purchases | 20,000.00 | |
| For transfer to State Personnel Department | 30,800.00 | |
| Total | | 1,750,000.00 |
| (b) For the "Right To Read Program" | | 50,000.00 |
| (c) For operation of the Teacher Certification Program | | 200,000.00 |
| (d) Early Childhood Education Program: | | |
| For administration | | 90,000.00 |
| (e) For Legal Reference Manuals for all Local School Boards | | 25,000.00 |

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| (f) For the City and County School Systems which participate in the Pilot Program of Educational Program Management Budgeting. The Systems participating shall be eligible upon certification by the Alabama Education Study Commission to the State Department of Education of the systems participating in this Pilot Program. All monies not used for this purpose shall revert to the Alabama Special Educational Trust Fund | | 70,000.00 |
| (g) Regional Education | | 123,250.00 |
| K. Elementary Teachers Scholarship Fund | | 25,000.00 |
| L. Free Textbooks: | | |
| For salaries | 63,332.00 | |
| For other expenses | 40,000.00 | |
| For disbursements to local boards | 62,250.00 | |
| For equipment purchases | 1,000.00 | |
| For the repair of used and the purchase of new Textbooks | 6,318,418.00 | |
| For operation of Course Study Commission | 15,000.00 | |
| Total | | 6,500,000.00 |
| M. Alabama School of Fine Arts: | | |
| For operation and maintenance | | 300,000.00 |
| N. Department of Education In-Service Training: | | |
| For salaries | 200,000.00 | |
| For other expenses | 50,000.00 | |
| For disbursements to local boards | 749,000.00 | |
| For equipment purchases | 1,000.00 | |
| Total | | 1,000,000.00 |
| O. Junior College Equalization Account: | | |
| For operation and maintenance of the Junior Colleges listed below, to be distributed on a formula adopted by the State Board of Education | | 26,362,100.00 |

(The above appropriation is to be distributed to the following Junior Colleges: (1) Alexander City State Junior College; (2) S. D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattachoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9)Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George Corley Wallace State Community College (Selma); (18) George C. Wallace

State Community College (Dothan); (19) Lurleen B. Wallace State Junior College.)

Of the amount appropriated to the Junior College Equalization Account, the sum of $575,000.00 shall be distributed to the Wallace Community College at Hanceville, Alabama.

Of the above appropriations contained herein in Section 3, paragraph O not more than the sum of $200,000.00 may be used by the State Board of Education for administration of the state junior college program.

P. To supplement federal funds available under the provisions of the Comprehensive Employment and Training Act ..... 200,000.00

Q. Minimum Program Fund:

(a) In addition to all other funds appropriated for the public elementary and high schools of the State, there is hereby appropriated to the State Board of Education for the fiscal year ending September 30, 1976, the sum of $361,343,028.00 to be known as the Minimum Program Fund, which in accordance with the statutes and regulations of the State Board of Education relating to the expenditure of such fund, shall be used for providing a minimum term and for the equalization of educational opportunity in the public schools of the State; provided, that so much thereof as may be necessary of the above appropriations shall be used by the State Board of Education to provide for additional teacher units for each school system in the State which on the basis of current school attendance shall be entitled to additional teacher units over the number allowed based on the year immediately preceding said current year, provided further, that in no case shall a term of less than nine months in tax districts be approved, except that the State Board of Education, upon the recommendation of the State Superintendent of Education shall be authorized to make full allotments of funds to any school system for the time actually taught, if in the judgment of the State Superintendent of Education and the State Board of Education unusual conditions beyond the control of the local Board of Education in any school are such as to prevent the operation of that school for the required nine months minimum term; provided further, that the amount herein appropriated for the Minimum Program Fund shall include all monies earmarked for public school teachers' salaries as provided in the Income Tax Amendment ratified on the 26th day of August, 1947. The Minimum Program Fund shall also include any other appropriations of funds, either State or Federal, which may be designated by the Legislature as a part of the Minimum Program Fund.

(b) It is provided that from the appropriation hereinabove made the State Board of Education shall allocate and pay from said appropriation not less than three hundred fifty-five (355) additional teacher units for the program for exceptional children over and above the current allocation. Twenty-five (25) of the teacher units appropriated may be used in early education programs for exceptional children and twenty-five (25) teacher units may be used in regional multi-system, and/or state-wide programs for exceptional children.

(c) All special education units other than the early childhood and multi-system units, and units to reduce the number of pupils in grades 1-3 shall be allocated to local school systems on the basis of enrollment. Units earned by a system on this basis which are not used by such system may not be reallocated to other systems except those units necessary to guarantee school systems not less than the number of units allocated to them during the 1974-75 school year. Unallocated units shall remain ear-

marked for the systems designated for use during subsequent fiscal years.

(d) Of the amount appropriated above in sub-section (a) two hundred and fifty dollars ($250) per teacher unit for grades 1-6 and three hundred dollars ($300) per teacher unit for grades 7-12 is herein appropriated to the State Board of Education for all teachers allotted (except ESEA Title I and Title III teachers and ESAA teachers) and shall be allocated to each county and city board of education for the purchase of instructional supplies, materials, and equipment, excluding furniture and fixtures. The faculty and principal of each school shall recommend to the superintendent the amount to be allocated to each teacher for the operation of the instructional program within the school. The local school board shall determine the allocation to each school and teacher, approve or disapprove requisition for purchases from these funds, and shall issue purchase orders and handle all financial transactions in compliance with this section. It is the intent of the legislature that no fees shall be collected.

This section shall not be construed to prohibit community groups or clubs from fund raising activities; provided, however, that students shall not be required to participate in such fund raising activities.

(e) It is provided that beginning with the fiscal year 1975-76 that in addition to the salary now received, and all other increments due, all teachers under the Minimum Program shall receive a salary increase of $1,000.00 per annum; and any county or city board of education failing to comply herewith shall not be entitled to participate in the Minimum Program Fund. It is further provided, that in addition to the salary now received, all school bus drivers shall receive a salary increase of not less than eight per centum (8%) per annum, any county or city board of education failing to comply herewith shall not be entitled to share in the Minimum Program Fund.

It is provided that in addition to all units earned by the local school system under the Minimum Program Fund calculation one (1) extra unit of fraction thereof shall be awarded for each aggregate of fifteen (15) units or fraction thereof earned in said Minimum Program calculation including regular, and special education units. The local school system shall assign to each school within the system at least the number of teacher units earned by that school using the Minimum Program Fund calculation and the additional units earned through the one (1) to fifteen (15) ratio as set forth herein. No school system may reduce during the school year the number of teachers it employed with the local funds during the school year 1974-75 except in instances where all schools within the system are accredited or have met every requirement of accreditation with respect to teacher/pupil ratios. The local school system shall furnish the State Department of Education such information as may be necessary to determine that the provisions of this section have been implemented.

(f) In addition to the appropriation hereinabove made to the Minimum Program, there is hereby appropriated funds for two (2) days personal leave at $17.00 per teacher unit for each teacher earned under the Minimum Program formula to be granted upon request of the teacher and administered by the State Board of Education and by local school boards under procedures governing sick leave for the fiscal year ending September 30, 1976, the sum of $1,138,218.00.

(g) In addition to the appropriation hereinabove made to the Minimum Program (sub-section R) and Vocational Education (sub-

section AA) and Driver Education (sub-section H) is grades 1-12, there is hereby appropriated the sum of Two Hundred Sixteen Dollars ($216.00) per annum per teacher, administrative or supervisory unit as located under the Minimum Program, Vocational Education Program and any other units paid from State or local funds to provide hospital-medical insurance assistance.

These funds shall be made available to local boards of education with a majority of the local participating professional employees selecting the plan(s) and the carrier(s) of the hospital-medical insurance in that system. Any funds not used in the fiscal year shall revert to the Alabama Special Educational Trust Fund. There is hereby appropriated the sum of $7,231,032.00 for the fiscal year ending September 30, 1976, for the purpose of carrying out the provisions of this sub-section.

(h) In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

The amount necessary for the payment of Board of Adjustment awards in accordance with the Minimum Program statutes and regulations.

For "Other Current Expenses" a sum not to exceed $1,543.43 for each earned teacher unit.

For Principal Supplement the sum shall not exceed $72.00 for each earned teacher unit.

For Capital Outlay the sum shall not exceed $64.87 for each earned teacher unit.

Sick leave days shall be paid at the rate of $17.00 per day.

The salary allotment shall be made in accordance with the schedule set out herein above.

The above appropriation contained in sub-section (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of $22,866,490.00.

The appropriation herein above set out for the fiscal year 1975-76 in the amount of $369,712,278.00 is based on 30,573.00 teacher units.

It is provided that in the event there are more than 30,573.00 earned teacher units in the fiscal year 1975-76, then such amounts as are necessary to pay for these excess teacher units is hereby appropriated.

It is further provided that in the event that there be less earned teacher units than those set out above than the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid out.

(i) In addition to teacher units allocated above, it is further provided that 300 additional regular teacher units shall be made available for allocation in grades 1-3 of the county and city school systems for the fiscal year ending September 30, 1976. It is the intent of the legislature that priority be given to reduction of class size in grades 1-3, therefore the Alabama Education Study Commission and the State Department of Education shall have the authority to insure that the intent of the legislature is implemented. Any teacher units allocated under the provisions of this section shall be used in grades 1-3 unless the pupil-teacher ratio

of 25-1 has already been achieved. In such event, the units may be used in grades 4-6.

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| R. Minimum Program Account: | | |
| Trainable Retarded Children: | | |
| For the administration of a program for exceptional children and youth | | 426,812.00 |
| The appropriation hereinabove made shall be expended by the State Board of Education for the cost incurred by the State Department of Education in the administration of this program. The appropriation for Special Education is the same appropriation as set out in Act No. 67, approved June 27, 1963, and shall be expended in accordance with that Act. | | |
| S. National Defense Education Program | | 275,000.00 |
| T. Physical Restoration of Crippled Children (Crippled Children's Service): | | |
| For salaries | 450,000.00 | |
| For Handicapped Individuals | 2,800,000.00 | |
| Total | | 3,250,000.00 |
| U. To the Department of Education for Plans and Surveys: | | |
| For salaries | 56,000.00 | |
| For other expenses | 16,500.00 | |
| Total | | 72,500.00 |
| V. To the Department of Education for transfer to the State Telephone Revolving Fund | | 859,512.00 |
| W. State Tenure Commission: | | |
| For expense of operation | | 5,000.00 |
| X. For Training Teachers of Exceptional Teachers | | 250,000.00 |
| Y. (a) Vocational Education: | | |
| For salaries | 75,000.00 | |
| For other expenses | 37,150.00 | |
| For rental expense | 9,529.00 | |
| For equipment purchases | 1,500.00 | |
| Distributions to local boards and institutions | 25,812,220.00 | |
| Total | | 25,935,399.00 |

The appropriation hereinabove shall be disbursed or obligated in accordance with a formula adopted by the State Board of Education. The total allocation of funds to each county and city board of education from the hereinabove appropriation when combined with Federal Vocational Funds shall be at least equal to the amount received by the respective board during the preceding fiscal year and in addition thereto, a sum equal to the percentage equivalency provided for in the Minimum Program salary increase contained in Section 3, paragraph Y (a). In the event proration should become necessary due to the loss of Federal Vocational Funds, each local board shall be reduced by his prorata share under the adopted State Board of Education formula.

Any funds appropriated hereinabove in excess of the preceding fiscal year's distribution and in excess of the percentage salary equivalency

under the Minimum Program provision shall be allocated by priorities to those boards that have less than their entitlement.

Funds appropriated hereinabove shall not be expended by the State Department of Education, local boards of education or institutions for contractual services to private profit agencies, organizations and institutions except for the purposes of the renovations, repair and rental of buildings and equipment.

(b) Vocational Education:

For Pilot Program for Agriculture Business for supplying teacher units for experimental farm projects ..... 400,000.00

(c) Vocational Education:

For Industrial Development Training; to be used for industrial purposes only ..... 1,300,000.00

Z. State Vocational Technical School Equalization Account:

For the operations and maintenance of the Vocational Technical Schools listed below, to be distributed in accordance with a formula adopted by the State Board of Education ..... 19,936,000.00

(The above appropriation is to be distributed to the following Vocational Technical Schools: (1) Atmore State Technical Institute; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College-Technical Branch; (7) Carver State Technical Trade School; (8) J. F. Drake State Technical College; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Vocational School; (12) Theodore A. Lawson State Community College-Technical Branch; (13) Douglas MacArthur State Technical College; (14) Muscle Shoals Technical Institute; (15) Northwest Alabama State Technical College; (16) N. F. Nunnelley State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncy Sparks State Technical College; (23) Councill Trenholm State Technical College; (24) Tuscaloosa State Technical College; (25) Walker County State Trade School; (26) George Corley Wallace State Community College-Technical Branch (Selma); (27) George C. Wallace State Community College-Technical Branch (Dothan); (28) George C. Wallace State Technical Community College (Hanceville).)

Of the above appropriations contained herein in Section 3, paragraph Z not more than the sum of $200,000.00 may be used by the State Board of Education for administration of the Vocational Technical School Program.

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| AA. BOARD OF TRUSTEES OF THE AGRICULTURAL AND MECHANICAL UNIVERSITY: | |
| For the operation and maintenance of the University | 6,194,000.00 |
| BB. BOARD OF TRUSTEES OF ALABAMA STATE UNIVERSITY OF MONTGOMERY: | |
| For the operation and maintenance of the University of Montgomery | 4,914,000.00 |
| Section 4. BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA: | |
| A. The University: | |
| (1) For operation and maintenance | 26,350,000.00 |
| (2) Gadsden Cooperative Upper Division Program | 160,000.00 |
| (3) For Emotionally Disturbed Children | 362,000.00 |
| (4) College of Community Health Sciences | 1,500,000.00 |
| (5) For Public Service, Research and Extension | 1,516,000.00 |
| (6) For Nursing Scholarships | 18,000.00 |
| (7) Psychology Department | 100,000.00 |
| (8) School of Nursing: | |
| For operation and maintenance | 200,000.00 |
| (9) Mine Resources Institute | 200,000.00 |
| (10) Museum of Natural History-Moundville State Park | 126,000.00 |
| (11) Family Practice Clinics | 375,000.00 |
| B. The University—Birmingham: | |
| (1) For the University College: | |
| Operation and maintenance | 9,655,000.00 |
| (2) For the School of Community and Allied Health Resources | 1,123,000.00 |
| (3) For the School of Dentistry: | |
| For operation and maintenance | 5,000,000.00 |
| (4) For Diabetes Clinics: | |
| For operation and maintenance | 250,000.00 |
| (5) For Extension, Public Service and Research | 500,000.00 |
| (6) Urology Department: | |
| Treatment, Research and Development | 400,000.00 |
| (7) Regional Technical Institute: | |
| For operation and maintenance | 1,034,000.00 |
| (8) For Joint Health Science Program: | |
| For operation and maintenance | 1,280,000.00 |
| (9) For Center for Labor Education and Research | 250,000.00 |
| (10) For Medical School: | |
| (a) For operation and maintenance | 9,132,000.00 |
| (b) For operation and maintenance of Medical Information Service via Telephone | 100,000.00<br>100,000.00 |
| (c) For Department of Pediatrics | 300,000.00 |

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| (11) For Lurleen B. Wallace Cancer Program: For operation and maintenance | 250,000.00 |
| (12) For School of Nursing: For operation and maintenance | 1,644,000.00 |
| (13) For School of Nursing—Scholarships | 88,400.00 |
| (14) For Student Nurses-Loan Fund | 12,000.00 |
| (15) For School of Optometry: For operation and maintenance | 1,000,000.00 |
| (16) For the University Hospital and Clinics | 2,100,000.00 |
| (17) Spinal-Cord Injury Program | 175,000.00 |
| (18) For Family Residency Program: | |
| (a) Anniston | 200,000.00 |
| (b) Florence | 200,000.00 |
| (c) Jefferson County | 200,000.00 |
| (d) Tuscaloosa | 200,000.00 |
| (e) Montgomery | 200,000.00 |
| (f) Heflin | 50,000.00 |
| (g) Pike County | 200,000.00 |
| C. The University—Huntsville: | |
| (1) For operation and maintenance | 4,256,000.00 |
| (2) (a) For School of Medicine (School of Primary Medical Care | 1,900,000.00 |
| (b) For Ambulatory Care Center | 350,000.00 |
| (3) For Division of Nursing—Scholarships (To be expended in accordance with Act No. 2290, 1971 Regular Session.) | 18,000.00 |
| (4) Environmental Science Center | 250,000.00 |
| (5) Motor Vehicle Research Center (1.6% State Cost-Grant) | 50,000.00 |
| (6) School of Nursing | 600,000.00 |
| Section 5. BOARD OF TRUSTEES OF AUBURN UNIVERSITY: | |
| A. The College: | |
| (1) For operation and maintenance | 26,605,000.00 |
| (2) Engineering Experiment Station | 475,000.00 |
| (3) Television Education | 300,000.00 |
| (4) Vocational Teacher Education Training Program | 400,000.00 |
| (5) Psychology Department | 100,000.00 |
| (6) Wildlife Research Unit | 50,000.00 |
| (7) Public Service, Research & Extension | 400,000.00 |
| B. Agriculture Research: | |
| Alabama Agriculture Experiment Station at Auburn, for work and experimentation | 5,460,000.00 |

That all research work and experimentation contemplated by the spirit and purpose of this sub-section (b) shall be carried out under the supervision of the Director of the Agricultural Experiment Station System and the President of Auburn University, who shall make a complete report to the Board of Trustees of Auburn University for the fiscal year ending September 30, 1976.

The funds provided in this sub-section (c) shall be used for the support of researchers, experiments and investigations bearing upon and relating to the production, marketing, manufacturing, use and distribution of agricultural crops and products; for the production; marketing and curing of all kinds of livestock and livestock products that may be sold from or consumed on the farms of Alabama; for the production, culture, and use of pasture plants for the establishment, care, use and management of pastures; for the testing of all kinds of hay, food, and forage crops, including those that may be used for lawns and other sod crop purposes; for the testing of varieties of crops, including soil adaption and improvement; for the testing of fertilizers and fertilizer materials on the various soils and for various crops; for the production, marketing, storage, and curing of fruit, nut and vegetable crops; for the study of plant and animal disease and insect pests; for researches and experiments dealing with forest production, management and use; for researchers dealing with soil erosion and problems arising from the waste of land due to soil erosion, for researchers to discover new uses of land; for the provisions of necessary land, buildings, fencing livestock and other physical equipment needed for the research work herein provided for; for researchers in game and fish production; provided, however, that any researchers in game and fish production shall be in cooperation with or upon the advice of the Director of Conservation, so that there may be complete coordination between the work of the Alabama Agricultural Experiment Station and that of the State Department of Conservation; as future changing agricultural conditions may demand, for researchers and experiments on other similar important agricultural and economic problems having for their object the development of a more permanent, profitable and diversified agriculture; and for the printing of the necessary bulletins, circulars, etc., in order that the citizens of Alabama may be acquainted with the results of said research.

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| C. Extension Work for Agriculture and Home Economics: | |
| For advising, demonstrating and informing people of Alabama in agricultural, farm and home pursuits, and other extension services. | 5,930,000.00 |
| For payment of Employees Retirement in accordance with Act No. 697, 1975 Regular Session | 500,000.00 |

The appropriation herein made for the Extension Service shall be expended by the direction of the Board of Trustees of Auburn University through its Extension Service and shall be done in such manner as to make available the maximum amounts of aid from the Federal government.

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| D. Auburn University—Montgomery: | |
| For operation and maintenance | 4,410,000.00 |
| For Montgomery Area Community Health Sciences Institute | 110,000.00 |
| Section 6. BOARD OF TRUSTEES OF JACKSONVILLE STATE UNIVERSITY: | |
| For operation and maintenance | 7,307,000.00 |
| For School of Nursing Scholarships | 18,000.00 |
| (To be expended in accordance with Act No. 2288, 1971 Regular Session) | |
| For Gadsden Program | 245,000.00 |
| Section 7. BOARD OF TRUSTEES OF LIVINGSTON UNIVERSITY: | |
| For operation and maintenance | 2,475,000.00 |
| For School of Nursing Scholarships | 18,000.00 |

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| Section 8. | BOARD OF TRUSTEES OF UNIVERSITY OF MONTEVALLO: | |
| | For operation and maintenance | 4,218,000.00 |
| | For Speech and Hearing Clinic | 150,000.00 |
| | For operation and maintenance of a Highway Safety Program | 110,000.00 |
| Section 9. | BOARD OF TRUSTEES OF UNIVERSITY OF NORTH ALABAMA: | |
| | For operation and maintenance | 5,000,000.00 |
| | For School of Nursing Scholarships | 18,000.00 |
| | (To be expended in accordance with Act No. 2304, 1971 Regular Session) | |
| Section 10. | BOARD OF TRUSTEES OF THE UNIVERSITY OF SOUTH ALABAMA: | |
| | (a) For operation and maintenance | 7,442,000.00 |
| | (b) For Coordinate College for Health Professions | 542,000.00 |
| | (c) For operation and maintenance of a College of Medicine | 5,650,000.00 |
| | (d) For Family Residency Program—Baldwin County | 200,000.00 |
| | (e) For Nursing Scholarships | 18,000.00 |
| | (To be expended in accordance with Act No. 2302, 1971 Regular Session) | |
| | (f) For Teaching Hospital | 850,000.00 |
| | (For unrestricted support of health professions education conducted in the University Hospital and Clinics) | |
| Section 11. | BOARD OF TRUSTEES OF TROY STATE UNIVERSITY: | |
| | (a) For operation and maintenance | 5,204,000.00 |
| | (b) For operation and maintenance of Troy State University at Montgomery | 165,000.00 |
| | (c) For operation and maintenance of Troy State University at Fort Rucker-Dothan | 165,000.00 |
| | (d) For School of Nursing-Scholarships | 36,000.00 |
| | (To be expended in accordance with Act No. 2292, 1971 Regular Session) | |
| | (e) For Public Service Research and Extension | 200,000.00 |
| Section 12. | BOARD OF TRUSTEES OF ALABAMA INSTITUTE FOR DEAF AND BLIND: | |
| | (a) For operation and maintenance | 2,960,000.00 |
| | (b) For salaries and expenses incident to instruction of Adult Blind and for operation of the Trade School at the Institute | 975,000.00 |

Section 13. DEBT SERVICE:

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| (1) For the payment of principal and interest due on bonds issued by Auburn University (Alabama Polytechnic Institute) pursuant to Constitutional Amendment No. CXX | | 308,760.00 |
| (2) For the payment of principal and interest due on bonds issued by the University of Alabama pursuant to Constitutional Amendmend No. CXIX | | 308,760.00 |
| (3) For the payment of principal and interest due on bonds issued by the University of Alabama Research Institute pursuant to Constitutional Amendment No. CLVII | | 207,025.85 |
| (4) Interest on Endowments: | | |
| For interest on University of Montevallo (Alabama College) Endowment, Estimated | 44,000.00 | |
| For interest on Auburn University Endowment | 20,280.00 | |
| For interest on University of Alabama Endowment | 61,000.00 | |
| For interest on Grove Hill Endowment | 600.00 | |
| For interest on Public School Fund Endowment: | | |
| Interest on 16th Section lands, Estimated | 285,000.00 | |
| Interest on School Indemnity lands, Estimated | 67,135.81 | |
| Interest on Valueless 16th Section lands | 5,825.47 | |
| Interest on Surplus Revenue | 26,763.47 | |
| Interest on James Wallace Fund | 275.25 | |
| Total | | 510,880.00 |

Section 14. BOARD OF DENTAL SCHOLARSHIP AWARDS:

For Dental Scholarships at the University of Alabama School of Dentistry or any other dental school accredited by

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| | the Council of Dental Education of the American Dental Association | | 83,000.00 |
| | (To be expended under the provisions of Act No. 792, 1965 Regular Session) | | |
| Section 15. | EDUCATION OF DEPENDENTS OF BLIND PARENTS: | | |
| | For reimbursement of every State Institution of Higher Learning, College, University, or State Trade School or Junior College, in which benefits are given to dependents of blind parents under the provisions of Act No. 281, 1966 Special Session, Estimated | | 6,930.00 |
| Section 16. | ALABAMA EDUCATION STUDY COMMISSION: | | |
| | To be used for educational studies in accordance with Act No. 15, 1969 Special Session: | | |
| | For salaries, other expenses and equipment purchases | | 205,000.00 |
| Section 27. | ALABAMA EDUCATIONAL TELEVISION COMMISSION: | | |
| | For salaries | 714,000.00 | |
| | For other expenses | 500,000.00 | |
| | For equipment purchases | 241,000.00 | |
| | For automotive equipment purchases | 10,000.00 | |
| | For programming | 375,000.00 | |
| | Total | | 1,840,000.00 |
| Section 18. | DEPARTMENT OF PUBLIC HEALTH: | | |
| | For transfer to the Department of Health: | | |
| | For Immunization of Pre-School and students | 250,000.00 | |
| | For Public School Food Sanitation Program | 250,000.00 | |
| | Total | | 500,000.00 |
| Section 19. | COMMISSION ON HIGHER EDUCATION: | | |
| | For salaries | 230,000.00 | |
| | For other expenses | 70,000.00 | |
| | Total | | 300,000.00 |
| | (To be expended in accordance with Act No. 14, 1969 Special Session) | | |
| Section 20. | MARINE ENVIRONMENTAL CONSORTORIUM: | | |
| | For operation and maintenance | | 325,000.00 |

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| Section 21. | MEDICAL SCHOLARSHIPS BOARD: | |
| | For Medical Scholarships at the University of Alabama Medical School | 135,000.00 |
| | (To be expended under the provisions of Act No. 278, 1965 1st Special Session) | |
| Section 22. | MONTGOMERY INSTITUTE FOR NEUROLOGICAL DEVELOPMENT | 25,000.00 |
| Section 23. | ALABAMA PUBLIC LIBRARY SERVICE: | |
| | State Aid to Counties | 572,000.00 |
| Section 24. | SOCIAL SECURITY: | |
| | For State's share of Social Security, Estimated | 28,000,000.00 |
| Section 25. | SLYACAUGA NURSES TRAINING SCHOOL: | |
| | For operation and maintenance | 40,000.00 |
| | For School of Nursing Scholarships | 18,000.00 |
| | (To be expended in accordance with Act No. 2393, 1971 Regular Session) | |
| Section 26. | BOARD OF CONTROL OF THE TEACHERS' RETIREMENT SYSTEM: | |
| | For Teachers' Retirement System, Estimated | 90,000,000.00 |
| | The above appropriation shall be expended in accordance with the statutes and regulations now or hereafter existing relating to the expenditure of such Teachers' Retirement Fund. | |
| | For Teachers' Special Pension Fund, Estimated | 4,000,000.00 |
| Section 27. | VETERANS EDUCATION BENEFITS: | |
| | For reimbursment to every State Institution of Higher Learning, College, University, or State Trade School or Junior College, in which benefits are given to veterans, their wives, widows, or children under the provision of Act No. 767, 1965 Regular Session, Estimated | 900,000.00 |
| Section 28. | JOHN M. WILL MEMORIAL SCHOLARSHIP FOUNDATION | 1,000.00 |
| Section 29. | YOUTH SERVICES BOARD: | |
| | For operation and maintenance | 5,100,000.00 |
| | For salaries of Probation Officers | 950,000.00 |
| | (To be expended in accordance with Act No. 816, 1973 Regular Session) | |
| | Youth Services Board—For Administration | 400,000.00 |
| Section 30. | BIRMINGHAM TRAINING CENTER FOR BRAIN INJURED | 29,100.00 |

| | | | |
|---|---|---|---|
| Section 31. | ALABAMA LAW INSTITUTE FOR LIBRARY BOOKS | | 64,000.00 |
| Section 32. | ALABAMA LEARNING RESOURCES CENTER (Instructional Materials Center) | | 60,000.00 |
| Section 33. | COMMISSION ON PHYSICAL FITNESS: | | |
| | For salaries | 48,300.00 | |
| | For other expenses | 13,200.00 | |
| | For equipment purchases | 500.00 | |
| | Total | | 62,000.00 |
| Section 34. | PUBLIC LIBRARY SERVICE: | | |
| | For salaries | 114,000.00 | |
| | For other expenses | 28,000.00 | |
| | For books and periodicals | 36,000.00 | |
| | Total | | 178,000.00 |
| Section 35. | ALABAMA LAW INSTITUTE | | 125,000.00 |
| Section 36. | ALABAMA LAW ENFORCEMENT PLANNING AGENCY: | | |
| | For operation and maintenance of a law enforcement academy at Troy State University | 55,000.00 | |
| | For operation and maintenance of a law enforcement academy at Jacksonville State University | 55,000.00 | |
| | For operation and maintenance of a law enforcement academy at John C. Calhoun Junior College | 55,000.00 | |
| | For operation and maintenance of a law enforcement academy at Jefferson State Junior College | 55,000.00 | |
| | Total | | 220,000.00 |
| Section 37. | WALKER COUNTY BOARD OF EDUCATION: | | |
| | For the use of the Sumiton Elementary | | 500,000.00 |
| Section 38. | HENRY COUNTY BOARD OF EDUCATION: | | |
| | For capital outlay purposes | | 300,000.00 |

| | | |
|---|---|---|
| Section 39. | BIRMINGHAM CITY BOARD OF EDUCATION: | |
| | For Speech and Hearing Clinic | 100,000.00 |
| Section 40. | WINFIELD CITY BOARD OF EDUCATION: | |
| | For Capital Outlay | 300,000.00 |
| Section 41. | MORGAN COUNTY BOARD OF EDUCATION: | |
| | Falkville High School | |
| | For the construction of a gymnasium | 300,000.00 |
| Section 42. | BIRMINGHAM SYMPHONY ASSOCIATION, INC. | 100,000.00 |
| | (To be used for the support and maintenance of an expanded statewide music education program by the official Symphony of the State of Alabama for the young people in the primary and secondary schools and to be expended with the advice of a committee composed of the State Superintendent of Education and four persons appointed by him and the President of the Birmingham Symphony Association and four persons appointed by him.) | |
| Section 43. | ARAB CITY BOARD OF EDUCATION | 450,000.00 |
| Section 44. | STATE BOARD OF EDUCATION: | |
| | For additional construction and equipping of the Atmore State Technical Institute | 228,000.00 |
| Section 45. | LOWNDES COUNTY BOARD OF EDUCATION: | |
| | For construction and equipping a burned school in Lowndes County | 300,000.00 |
| Section 46. | LAUDERDALE COUNTY BOARD OF EDUCATION: | |
| | For capital outlay purposes for Central School | 380,000.00 |

Section 47. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds provided for in this Act, whereupon the Comptroller, upon the approval by the Governor shall issue his warrant therefor; provided, that all appropriations and funds made available to the University of Montevallo, the University of Alabama, the University of South Alabama, Auburn University, the Institute for the Deaf and Blind, the Youth Services Board, the Alabama Educational Television Commission, Teachers' Retirement System, University of North Alabama, Jacksonville State University, Livingston State University, Troy State University, Agricultural and Mechanical University, Alabama State University and the State Social Security Board by the provisions of this Act shall be paid by request to the Comptroller made in the manner now provided by law.

Section 48. All acts of the Governor of the State of Alabama and all other state officials pertaining to expenditures of state funds made to insure and to provide for the continuity of and the operation of the State Government and the public school system of the State of Alabama from October 1, 1975, until the effective date of this Act are hereby ratified and approved.

Section 49. There is hereby transferred the sum of twenty-seven million two hundred thousand dollars ($27,200,000.00) to a fund designated in the State Treasury as the Alabama Special Educational Trust Fund Reserve Account.

Funds in the Alabama Special Educational Trust Reserve Account shall be used only by transfer to the Alabama Special Educational Trust Fund and only in the event that there be insufficient funds in the Alabama Special Educational Trust Fund account to meet appropriations made from the Alabama Special Educational Trust Fund.

Section 50. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act, or all or any portion of any appropriation or appropriations herein made, be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision, or portion of this Act, or any other appropriation or portion thereof made not in and of itself unconstitutional or invalid.

Section 51. This Act shall become effective on October 1, 1975.

And the substitute was adopted.

Yeas 86; Nays 1.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Hopping, Johnson, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lockett, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—86

*Nay:* Mr. Lutz. —1

Mr. Merrill offered the following amendment No. 1 to the bill, H. 9, as amended:

Amend Ways and Means Substitute for H. B. 9 by striking on page 18, line 10, item (7) the words and figure:

"(7) Public Service, Research and Extension ..... 400,000.00

and insert in lieu thereof the following:

"(7) Public Service, Research and Extension ..... 355,000.00"

And the amendment was adopted.

Yeas 75; Nays 3.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Gafford, Goodwin, Greer, Harris, Harrison, Hill, Hines, Holley, Howard, Johnson, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Morris, Naramore, Owens, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Tucker, Venable, Waggoner, Warren, White, Williams and Wyatt.

—75

*Nays*: Messrs.: Carothers, Moore (W) and Turnham. —3

Mr. Merrill offered the following amendment No. 2 to the bill, H. 9, as amended:

Amend Ways and Means substitute for H. 9 by striking on page 4, line 18 (d) the words and figures:

"(d) Early Childhood Education Program
For administration ..... 90,000.00"

and insert in lieu therefor the following:

(d) Kindergarten Pilot Program
For administration ..... 500,000.00

And the amendment was adopted.

Yeas 83; Nays 2.

*Yeas:*

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Dial, Drake, Falkenburg, Folmar, Gafford, Greer, Hall, Harrison, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Jolly, Kelley, Kennedy, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—83

*Nays*: Messrs.: Armstrong and Crowe. —2

Mr. Merrill offered the following amendment No. 3 to the bill, H. 9 as amended:

Amend Substitute to H. B. 9 by deleting the figures on Page 4, (g) Regional Education and inserting in lieu there of the following figures $161,420.00.

And the amendment was adopted.

Yeas 93; Nays 0.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper,

Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Hall, Harris, Harrison, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—93

Mr. Merrill offered the following amendment No. 4 to the bill, H. 9, as amended:

On page 17, line 17, Strike out Section 4 B (18) (g)

On page 28, line 24, insert the following new section:

"Section 47. Pike County Family Practice Clinic
For operation and maintenance of a Family Practice Clinic in Pike County ..... 200,000.00

(Provided that the aforesaid Family Practice Clinic shall be operated by either the Family Residency Program of the University of Alabama at Birmingham, or by the Family Residency Program of the University of South Alabama, or jointly by both Universities.)"

Renumber the remaining sections of the Bill in proper numerical sequence.

And the amendment was adopted.

Yeas 87; Nays 5.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—87

*Nays*: Messrs.: Clark, Holley, Lee, Morris and Pegues. —5

Mr. Starkey offered the following amendment to the bill, H. 9, as amended:

On page 11, immediately after Section 3 Q (i), insert the following:

(j) In addition to all other teacher units allocated to Jackson County,

it is further provided that two vocational agricultural teacher units be allocated to Skyline High School and two vocational agricultural teacher units be allocated to North Sand Mountain High School.

And the amendment was adopted.

Yeas 90; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—90

Mr. Ford offered the following amendment No. 1 to the bill, H. 9, as amended:

Amend Section 3, Paragraph 0, Page 5, Line 22, by striking the following figure, and substituting in lieu thereof the following, $29,500,000.

MOTION TO TABLE LOST

The motion offered by Mr. Merrill to table the amendment No. 1 offered by Mr. Ford to the bill, H. 9, as amended, was lost.

Yeas 27; Nays 64.

*Yeas:*

Mr. Speaker, Andrews, Barron, Clark, Crawford, Crowe, Folmar, Gafford, Harris, Higginbotham, Jackson (F), Lee, Leonard, Lutz, McCluskey, McCulley, McNair, Manley, Merrill, Moore (O), Naramore, Owens, Plaster, Shelton, Venable, Waggoner and Weeks.

—27

*Nays:*

Messrs.: Albright, Armstrong, Baker, Biddle, Boles, Brindley, Carothers, Cates, Coburn, Cross, Dial, Drake, Edwards, Falkenburg, Ford, Glass, Goodwin, Greer, Hall, Harrison, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Johnson, Jolly, Kennedy, Killian, Kinsey, LeFlore, Lewis, Lockett, McMillan, McNees, Malone, Martin, Mitchem, Morris, Pegues, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Trammell, Tucker, Turnham, Warren, Whatley, Williams and Wyatt.

—64

The question was then on the amendment No. 1 offered by Mr. Ford to the bill, H. 9 as amended, and the amendment was adopted.

Yeas 74; Nays 17.

*Yeas:*

Messrs.: Albright, Armstrong, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cross, Dial, Drake, Edwards, Folmar, Ford, Glass, Goodwin, Greer, Hall, Harrison, Hilliard, Hines, Holley, Holmes, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, McCulley, McMillan, McNees, Malone, Martin, Mitchem, Moore (O), Morris, Pegues, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—74

*Nays:*

Mr. Speaker, Andrews, Barron, Gafford, Harris, Higginbotham, Lee, Lutz, McCluskey, Manley, Merrill, Naramore, Owens, Plaster, Riddick, Shelton and Weeks.

—17

Mr. Ford offered the following amendment No. 2 to the bill, H. 9, as amended:

Amend Section 3, Paragraph Z, Page 14, Line 11 by striking the following figures and substituting in lieu thereof the following, $23,500,000.

And the amendment was adopted.

Yeas 59; Nays 25.

*Yeas:*

Messrs.: Albright, Armstrong, Baker, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Dial, Drake, Edwards, Glass, Goodwin, Hall, Harrison, Hilliard, Holley, Holmes, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kennedy, Kinsey, LeFlore, Lewis, Lockett, McCulley, McMillan, McNees, Malone, Martin, Mitchem, Morris, Pegues, Porter, Quarles, Reed, Rich, Robertson, Sandusky, Sasser, Smith (C), Smith (J), Sonnier, Sparks, Taylor, Teague, Trammell, Tucker, Turnham, Waggoner, Warren, White, Williams and Wyatt.

—59

*Nays:*

Mr. Speaker, Andrews, Barron, Biddle, Clark, Crawford, Cross, Falkenburg, Folmar, Gafford, Harris, Higginbotham, Killian, Lutz, McCluskey, Manley, Merrill, Moore (O), Naramore, Owens, Plaster, Roberts, Shelton, Smith (M), and Weeks.

—25

Mr. Harrison offered the following amendment to the bill, H. 9 as amended:

On page 6, Section 3, amend Sub-Section P by deleting the following:

And insert in lieu therein the following:

To supplement federal funds available under the provisions of the Comprehensive Employment and Training Act ..... $400,000.00

And the amendment was adopted.

Yeas 49; Nays 14.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Carter, Coburn, Cross, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Hall, Harrison, Hilliard, Holmes, Hopping, Howard, Jolly, Killian, LeFlore, Lewis, McCulley, Manley, Martin, Mitchem, Moore (O), Owens, Porter, Roberts, Sasser, Smith (B), Smith (C), Smith (M), Taylor, Tucker, Venable, Warren, Weeks, White and Williams.

—49

*Nays:*

Messrs.: Cates, Crawford, Harris, Kelley, Lutz, McCluskey, Merrill, Naramore, Plaster, Riddick, Shelton, Smith (J), Sonnier, and Wyatt.

—14

Mr. Smith (C), offered the following amendment to the bill, H. 9 as amended:

Page 12, Section 3, Sub-Section Y (a) Vocational Education.

Amend Sub-Section Y (a), lines thirty, thirty-one and thirty-two deleting the following:

And insert in lieu therein the following:

| | | |
|---|---|---|
| Distributions to local boards and institutions | $29,711,821.00 | |
| Total | | $29,985,000.00 |

And the amendment was adopted.

Yeas 47; Nays 19.

*Yeas:*

Mr. Speaker, Albright, Andrews, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cross, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Howard, Johnson, Johnstone, Kinsey, LeFlore, Lewis, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Porter, Rich, Roberts, Sasser, Smith (C), Smith (J), Smith (M), Sonnier, Teague, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—47

*Nays:*

Messrs.: Baker, Crawford, Dial, Folmar, Harris, Hopping, Kelley, Lee, Lutz, McCluskey, Morris, Naramore, Pegues, Plaster, Quarles, Riddick, Robertson, Taylor and Venable.

—19

Mr. Morris offered the following amendment to the bill, H. 9 as amended:

Amend H. B. 9 as substituted any and all line item appropriations to Walker County Board of Education, Henry County Board of Education, Birmingham City Board of Education, Winfield Board of Education, Morgan County Board of Education, Birmingham Symphony Association, Inc., Arab City Board of Education, Lowndes County Board of Education, Lauderdale County Board of Education, and to make above said appropriations conditional.

And the amendment was lost.

Yeas 10; Nays 67.

*Yeas:*

Messrs.: Brindley, Cates, Clark, LeFlore, Lutz, McCulley, McMillan, Pegues, Shelton and Smith (J).

—10

*Nays:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Carter, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Hill, Hilliard, Holley, Hopping, Howard, Jackson (R), Johnson, Jolly, Kelley, Kinsey, Leonard, Lewis, McCluskey, McNair, McNees, Malone, Martin, Mitchem, Morris, Naramore, Owens, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks and Williams.

—67

Mr. Whatley offered the following amendment No. 1 to the bill, H. 9, as amended:

Amend H. 9 on Page 5, Section N. Delete entire Section.

And the amendment was adopted.

Yeas 62; Nays 23.

*Yeas:*

Messrs.: Baker, Barron, Boles, Callahan, Campbell, Carothers, Cates, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Glass, Greer, Hall, Harris, Harrison, Hilliard, Hines, Holley, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lockett, Lutz, McMillan, McNair, Martin, Merrill, Moore (W), Morris, Pegues, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Trammell, Tucker, White, Williams and Wyatt.

—62

*Nays:*

Mr. Speaker, Andrews, Armstrong, Biddle, Carter, Clark, Coburn, Falkenburg, Folmar, Ford, Gafford, Goodwin, Higginbotham, McCluskey, McNees, Manley, Mitchem, Moore (O), Naramore, Turnham, Venable, Waggoner and Weeks.

—23

Mr. Whatley offered the following amendment No. 2 to the bill, H. 9 as amended:

Amend H. 9 Page 24 Section 18.

Delete "For Public School Food Sanitation Program" $250,000.00

And the amendment was lost.

Yeas 37; Nays 38.

*Yeas:*

Messrs.: Brindley, Campbell, Cates, Crawford, Cross, Drake, Ford, Greer, Hall, Harrison, Hill, Hines, Holley, Jackson (R), Johnson, Jolly, Kinsey, Leonard, Lewis, Lockett, Lutz, Merrill, Moore (W), Pegues, Porter, Rich, Robertson, Sasser, Shelton, Smith (M), Sonnier, Taylor, Trammell, Tucker, Turnham, Williams and Wyatt.

—37

*Nays:*

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Clark, Coburn, Cooper, Dial, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Higginbotham, Hilliard, Kelley, Killian, LeFlore, McCluskey, McMillan, McNair, McNees, Manley, Mitchem, Moore (O), Morris, Naramore, Quarles, Reed, Riddick, Roberts, Smith (B), Smith (J), Venable, Waggoner, Weeks and White.

—38

Mr. Whatley offered the following amendment No. 3 to the bill, H. 9 as amended:

Amend House Bill 9 on page 8, line 25, Section 3, Q—Minimum Program Fund (e) by deleting the first paragraph of the section and substituting in lieu therefor the following:

(e) It is provided that beginning with the fiscal year 1975-76 that in addition to the salary now received, and all other local increments due, all teachers under the Minimum Program shall receive a salary increase as follows: AA teachers not less than twelve hundred thirty-two dollars ($1232) per annum; Rank I teachers not less than one thousand one hundred sixty dollars ($1,160) per annum; Rank II teachers not less than one thousand dollars ($1,000) per annum; Rank III teachers not less than one thousand dollars ($1,000) per annum; Rank IV teachers not less than one thousand dollars ($1,000) per annum. Any county or city board of education failing to comply herewith shall not be entitled to participate in the Minimum Program Fund. All school bus drivers shall receive a salary increase of not less than ten per centum (10%) per annum, and any county or city board of education failing to comply herewith shall not be entitled to share in the Minimum Program Fund.

Further amend the bill by striking on page 6, line 26, the figure "$365,343,028.00" and inserting in lieu therefor "$367,131,450.00."

Further amend the bill by striking on page 10, line 36, the figure "$373,712,278.00" and inserting in lieu therefor the figure "$375,500,700.00."

And the amendment was adopted.

Yeas 67; Nays 14.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Carter, Clark, Coburn, Cooper, Cross, Crowe, Drake, Edwards, Falkenburg, Ford, Gafford, Goodwin, Greer, Hall, Harrison, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Johnson, Jolly, Kelley, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, McCulley, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Porter, Quarles, Reed, Rich, Roberts, Robertson, Shelton, Smith (B), Smith (J), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Waggoner, Warren, Weeks, White and Wyatt.

—67

*Nays:*

Messrs.: Barron, Campbell, Cates, Crawford, Folmar, Harris, Hilliard, Jackson (R), Lutz, McCluskey, McNair, Pegues, Smith (M) and Turnham.

—14

Mr. Pegues offered the following amendment to the bill, H. 9 as amended:

On page 28, immediately after Section 46, insert the following section numbered 47:

Section 47. PERRY COUNTY BOARD OF EDUCATION:

For capital outlay purposes for the school located in the Heiberger Community in Perry County ..... 300,000.00

Also, by renumbering subsequent sections accordingly.

And the amendment was adopted.

Yeas 42; Nays 12.

*Yeas:*

Mr. Speaker, Baker, Biddle, Boles, Brindley, Campbell, Carter, Clark, Coburn, Cooper, Crowe, Edwards, Falkenburg, Gafford, Goodwin, Higginbotham, Johnstone, Kelley, Killian, Lee, LeFlore, Lewis, Lockett, McCulley, McNees, Manley, Moore (O), Moore (W), Pegues, Reed, Rich, Roberts, Robertson, Sasser, Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Warren, Weeks and White.

—42

*Nays:*

Messrs.: Barron, Dial, Folmar, Holley, Leonard, Lutz, McCluskey, McMillan, Merrill, Morris, Smith (B), and Wyatt.

—12

Mr. Kennedy offered the following amendment to the bill, H. 9 as amended:

Amend the Ways and Means Substitute to House Bill 9 by inserting after line 14, in sub-section o. of Section 3 on page 6, the following words and figures:

Of the amount appropriated to the Junior College Equalization Account, no less than $300,000.00 shall be distributed to the S. D. Bishop State Junior College for the construction and equipping of a school of nursing. Said amount shall be in addition to the formula amount adopted for said Junior College by the State Board of Education.

And the amendment was adopted.

Yeas 50; Nays 15.

*Yeas:*

Mr. Speaker, Andrews, Baker, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Crowe, Drake, Falkenburg, Gafford, Glass, Goodwin, Hall, Harrison, Higginbotham, Howard, Jackson (R), Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, McCulley, McMillan, Malone, Manley, Martin, Merrill, Moore (O),

Pegues, Porter, Shelton, Smith (B), Sonnier, Sparks, Starkey, Tucker, Warren, Weeks, White and Williams.

—50

*Nays:*

Messrs.: Barron, Biddle, Cross, Folmar, Harris, Holley, McCluskey, Moore (W), Morris, Naramore, Roberts, Sasser, Smith (J), Smith (M) and Wyatt.

—15

Mr. Jackson (F) offered the following amendment to the bill, H. 9 as amended:

Amend H. B. 9 by deleting Section 34 on page 26 and adding in lieu thereof:

Section 34. Public Library Service ..... $278,000.00

Amend H. B. 9 by deleting Section 23 on page 25 and adding in lieu thereof:

Section 23. Alabama Public Library Service State aid for all public libraries and library systems ..... $650,000.00

And the amendment was adopted.

Yeas 45; Nays 5.

*Yeas:*

Mr. Speaker, Baker, Brindley, Campbell, Coburn, Cross, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Hilliard, Hopping, Kennedy, Killian, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Reed, Rich, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sparks, Tucker, Turnham, Venable, Warren, Weeks, White, Williams and Wyatt.

—45

*Nays*: Messrs.: Barron, Crawford, McCluskey, Roberts and Taylor. —5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Mr. Owens offered the following amendment No. 1 to the bill, H. 9 as amended:

Amend House Bill 9 on page 12, line 35, Section 3, Y—Vocational Education, (a) to add the following:

Of the amount listed above for the distribution to local boards of education beginning with the fiscal year 1975-76 in addition to the salary received and all salary increments due, all vocational teachers shall receive a salary increase of not less than twelve and seven hundredths per centum (12.07%) of the state vocational salary schedule for the school year 1974-75.

And the amendment was adopted.

Yeas 64; Nays 6.

*Yeas:*

Mr. Speaker, Baker, Biddle, Brindley, Carter, Clark, Coburn, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hill, Holley, Holmes, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Plaster, Porter, Reed, Rich, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Turnham, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—64

*Nays*: Messrs.: Barron, Crawford, Harris, Lutz, McCluskey and Venable.

—6

Mr. Owens offered the following amendment No. 2 to the bill, H. 9 as amended:

Amend House Bill 9 on page 14, after line 11, Section 3, Z—State Vocational-Technical School Equalization Account, by adding the following:

Of the amount above beginning with the fiscal year 1975-76 in addition to the salary received and all salary schedule increments due, all professional staff employed shall receive an increase of not less than twelve and seven-hundredths per centum (12.07%) of the state vocational-technical salary schedule for the school year 1974-75.

And the amendment was adopted.

Yeas 68; Nays 5.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Cross, Crowe, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Hall, Harrison, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Jackson (R), Johnson, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lockett, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Pegues, Plaster, Porter, Reed, Rich, Roberts, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—68

*Nays*: Messrs.: Barron, Crawford, Lutz, Morris and Venable. —5

Mr. Owens offered the following amendment No. 3 to the bill, H. 9 as amended:

Amend House Bill 9 on page 5, after line 22, Section 3, O—Junior College Equalization Account by adding the following:

Of the amount above beginning with the fiscal year 1975-76 in addition to the salary received and all salary schedule increments due, all professional staff employed shall receive an increase of not less than twelve and seven-hundredths per centum (12.07%) of the state junior college salary schedule for the school year 1974-75.

And the amendment was adopted.

Yeas 65; Nays 6.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Biddle, Campbell, Carothers, Carter, Clark, Coburn, Cross, Crowe, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Jackson (F), Jackson (R), Jolly, Kelley, Kennedy, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Rich, Roberts, Shelton, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Taylor, Turnham, Waggoner, Warren, Weeks, White and Wyatt.

—65

*Nays*: Messrs.: Barron, Crawford, Lutz, Morris, Venable and Whatley.

—6

Mr. Holmes offered the following amendment to the bill, H. 9 as amended:

Amend the Substitute for H. B. 9, page 24, line 28, by inserting after the word "Session" the following language:

, provided that the Commission on Higher Education shall have the authority to set the salary of the executive director thereof, except that such salary shall not exceed $40,488.00 per annum.

And the amendment was adopted.

Yeas 20; Nays 7.

*Yeas:*

Messrs.: Brindley, Carothers, Cooper, Harrison, Hilliard, Holmes, Jackson (R), LeFlore, Lewis, Lockett, McCulley, Manley, Martin, Mitchem, Morris, Naramore, Porter, Turnham, Warren and Wyatt.

—20

*Nays:*

Messrs.: Barron, Crowe, McCluskey, Moore (W), Smith (B), Venable and Whatley.

—7

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Mr. Teague offered the following amendment No. 1 to the bill, H. 9 as amended:

Amend the Substitute for H. B. 9 by deleting therefrom Subsection (b) of Section 12 (page 21, lines 23 through 26) as follows:

and inserting in lieu thereof the following:

| | |
|---|---|
| (b) For operation and maintenance of the Department of Adult Blind and Deaf | 1,255,139.69 |
| (c) For operation and maintenance of the State Library for the Blind | 60,000.00 |

And the amendment was adopted.

Yeas 58; Nays 6.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Cooper, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Hall, Harris, Harrison, Hill, Holley, Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Martin, Mitchem, Moore (O), Moore (W), Naramore, Owens, Quarles, Rich, Roberts, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Teague, Trammell, Turnham, Warren, White and Williams.

—58

*Nays*: Messrs.: Barron, Crawford, Morris, Venable, Whatley and Wyatt.

—6

Mr. Teague offered the following amendment No. 2 to the bill, H. 9 as amended:

Amend House Bill 9 on page 21, line 26, Section 12—Alabama Institute for Deaf and Blind by adding the following new section (c):

"(d) Of the amounts listed above it is provided that in the fiscal year 1975-1976 that in addition to the salary now received and all salary increments due, all non-vocational certificated employees shall receive a salary increase as follows: AA teachers not less than twelve hundred thirty-two dollars ($1232) per annum; Rank I teachers not less than one thousand one hundred sixty dollars ($1,160) per annum; Rank II teachers not less than one thousand dollars ($1,000) per annum; Rank III teachers not less than one thousand dollars ($1,000) per annum; Rank IV teachers not less than one thousand dollars ($1,000) per annum. Further, in addition to salary now received and all salary increments due, all vocational teachers shall receive a salary increase of not less than twelve and seven hundredths per centum (12.07%) of the state vocational salary schedule for the school year 1974-75.

Also each certificated employee shall be allowed two hundred sixteen dollars ($216) to provide hospital-medical insurance assistance. A majority of the participating professional employees shall select the plan(s) and the carrier(s) of the hospital-medical insurance."

And the amendment was adopted.

Yeas 42; Nays 3.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Cooper, Dial, Drake, Folmar, Gafford, Glass, Greer, Harrison, Hopping, Jackson (F), Jolly, Kelley, Killian, LeFlore, Leonard, Lockett, McCluskey, McCulley, Martin, Moore (O), Moore (W), Morris, Naramore, Owens, Roberts, Sasser, Smith (B), Smith (M), Sonnier, Sparks, Teague, Turnham, Warren and Williams.

—42

*Nays*: Messrs.: Barron, Venable and Wyatt. —3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Mr. Riddick offered the following amendment to the bill, H. 9 as amended:

Amend H. 9, Section 3, subsection J, paragraph (e) on page 4 by deleting the figure $25,000, and substituting in lieu thereof the figure $45,000.

And the amendment was adopted.

Yeas 40; Nays 7.

*Yeas:*

Mr. Speaker, Brindley, Campbell, Carothers, Clark, Coburn, Cooper, Drake, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Hill, Hines, Holmes, Jackson (F), Jackson (R), Kelley, LeFlore, Leonard, Lewis, Lockett, McCluskey, McCulley, McNees, Merrill, Moore (O), Naramore, Owens, Sasser, Smith (B), Smith (J), Sparks, Trammell, Warren, Weeks, Whatley and Williams.

—40

*Nays:*

Messrs.: Barron, Dial, Morris, Rich, Smith (M), Venable and Wyatt.

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Mr. Carothers offered the following amendment to the bill, H. 9 as amended:

Amend Section 3, Page 13, Paragraph 4, Subparagraph C, Line 32, by striking the following figure, and substituting in lieu thereof the following, $1,450,000.

And the amendment was adopted.

Yeas 37; Nays 6.

*Yeas:*

Mr. Speaker, Biddle, Brindley, Campbell, Carothers, Clark, Cooper, Crawford, Cross, Drake, Ford, Gafford, Greer, Holmes, Jackson (F), Killian, Lee, LeFlore, Leonard, Lewis, McCluskey, McCulley, McNees, Mitchem, Moore (O), Moore (W), Owens, Pegues, Sasser, Smith (B), Smith (J), Sparks, Warren, Weeks, White, Williams and Wyatt.

—37

*Nays*: Messrs.: Barron, Dial, Harris, Morris, Naramore and Venable.

—6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Mr. Robertson offered the following amendment to the bill, H. 9 as amended:

Amend Ways and Means Substitute for H. B. 9 by adding a new Section 47 as follows, and by renumbering remaining sections:

Section 47. TUSCALOOSA COUNTY BOARD OF EDUCATION:

For construction of school for handicapped ..... $250,000.00

And the amendment was adopted.

Yeas 54; Nays 5.

*Yeas:*

Mr. Speaker, Armstrong, Biddle, Brindley, Campbell, Carothers, Carter, Clark, Coburn, Crawford, Cross, Drake, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Holmes, Hopping, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Lee, LeFlore, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Rich, Roberts, Robertson, Smith (C), Smith (J), Sparks, Trammell, Waggoner, Warren, Weeks, White and Williams.

—54

*Nays:* Messrs.: Barron, Dial, Morris, Taylor and Venable. —5

Mr. Albright offered the following amendment to the bill, H. 9 as amended:

Page 13, Section 3, Sub-Section Y—Vocational Education.

Amend Sub-Section Y, page 13, by adding the following:

(d) Vocational Education for Adult Vocational and Apprenticeship Program ..... $800,000.00

And the amendment was adopted.

Yeas 37; Nays 8.

*Yeas:*

Mr. Speaker, Albright, Campbell, Carothers, Carter, Clark, Coburn, Cross, Falkenburg, Ford, Gafford, Glass, Goodwin, Holmes, Hopping, Kelley, Kennedy, LeFlore, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Mitchem, Moore (O), Naramore, Rich, Riddick, Roberts, Smith (B), Sparks, Waggoner, Warren, White, Williams and Wyatt.

—37

*Nays:*

Messrs.: Barron, Crawford, Dial, Folmar, Morris, Owens, Taylor and Venable.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Mr. Holley offered the following amendment to the bill, H. 9 as amended:

Add a new Section 47 as follows immediately after Section 45 and renumber the remaining sections of the bill accordingly.

Section 47. If any of the funds herein above appropriated are used for paying mileage allowances or traveling expenses of state, county and city Boards employees when using privately owned vehicles while on state, county and city Boards business, the mileage allowance shall be at a rate, prescribed by the state superintendent of education, not less than twelve cents per mile nor more than twenty cents per mile, the exact amount to be graduated in accordance with the price of gasoline, twelve cents per mile to be allowed when the average price of gasoline is the same amount that it was during the week in which this bill becomes law, or less, and being increased from time to time in the same proportion that the price of gasoline has increased. The State superintendent of education shall check the price of gasoline at least every three months and prescribe the rate of the mileage allowance as hereinabove prescribed.

And the amendment was adopted.

Yeas 23; Nays 6.

*Yeas:*

Mr. Speaker, Albright, Campbell, Carothers, Coburn, Falkenburg, Ford, Gafford, Goodwin, LeFlore, McMillan, McNees, Manley, Merrill, Moore (O), Rich, Riddick, Smith (J), Sparks, Turnham, Warren, White and Wyatt.

—23

*Nays*: Messrs.: Barron, Crawford, Dial, Lutz, Morris and Venable. —6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Mr. Sonnier offered the following amendment to the bill, H. 9 as amended:

Add a new Section on Page 28 to read:

Section 49.

The Mobile County Public School system for elementary education ..... $300,000.00

And renumber subsequent section accordingly.

And the amendment was lost.

Yeas 21; Nays 27.

*Yeas:*

Mr. Speaker, Andrews, Biddle, Campbell, Carothers, Coburn, Ford, Gafford, Goodwin, Greer, Hill, Jackson (F), Jackson (R), LeFlore, McCluskey, Moore (O), Owens, Rich, Waggoner, Weeks and White.

—21

*Nays:*

Messrs.: Albright, Barron, Crawford, Cross, Dial, Drake, Edwards, Hall, Hopping, Howard, Kelley, Leonard, Lockett, McNees, Morris, Naramore, Pegues, Riddick, Roberts, Robertson, Smith (B), Taylor, Trammell, Venable, Warren, Whatley and Wyatt.

—27

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Mr. Brindley offered the following amendment to the bill, H. 9, as amended:

Amend the Substitute for H. B. 9 by adding on page 28, line 25, and renumbering the following sections accordingly, the following:

Section 46.

Oneonta City Schools for Capital Outlay ..... $400,000.00

And the amendment was adopted.

Yeas 24; Nays 8.

*Yeas:*

Mr. Speaker, Andrews, Campbell, Carothers, Carter, Cooper, Ford, Gafford, Goodwin, Jackson (F), Jolly, Lockett, McCluskey, McNees, Moore (O), Moore (W), Naramore, Owens, Rich, Riddick, Sparks, Weeks, White, and Williams.

—24

*Nays:*

Messrs.: Barron, Dial, Harris, Morris, Smith (B), Taylor, Venable and Wyatt.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Mr. Smith (C) offered the following amendment to the bill, H. 9 as amended:

On page 28, immediately after Section 46 insert the following Section number 47:

Section 47. Chilton County Board of Education ..... 450,000.00

Also renumber subsequent sections accordingly.

And the amendment was adopted.

Yeas 21; Nays 8.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Campbell, Cooper, Gafford, Goodwin,

Greer, Hill, Hopping, Jackson (F), Lockett, McNees, Moore (O), Naramore, Pegues, Smith (C), Waggoner, Weeks, White and Williams.

—21

*Nays:*

Messrs.: Albright, Barron, Dial, Morris, Smith (B), Taylor, Venable and Wyatt.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Mr. Glass offered the following amendment to the bill, H. 9 as amended:

Amend H. B. 9, as substituted and amended page 9, section 3 Q (g), line 34, by striking the words and figures "Two Hundred Sixteen Dollars ($216.00)" and insert in lieu thereof the following:

One Hundred Twenty-four Dollars ($124.00)

Also on page 9, section 3 Q (g), line 36 by inserting after the word "unit" the following:

and ninety-two dollars for each clerk, secretary, bus driver, cafeteria worker and custodial and maintenance worker

And the amendment was adopted.

Yeas 19; Nays 8.

*Yeas:*

Mr. Speaker, Andrews, Biddle, Campbell, Carter, Gafford, Glass, Goodwin, Jackson (F), Johnstone, Jolly, Lockett, McNees, Moore (O), Moore (W), Owens, Waggoner, Weeks and White.

—19

*Nays:*

Messrs.: Barron, Dial, Folmar, Morris, Smith (B), Taylor, Venable and Wyatt.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Mr. Reed offered the following amendment No. 1 to the bill, H. 9 as amended:

On page 28, immediately after Section 46, insert the following new Section 47 and renumber subsequent Sections accordingly:

| | |
|---|---|
| Section 47. Bullock County Board of Education for Construction and equipping a burned school in Bullock County ..... | 400,000.00 |

And the amendment was adopted.

Yeas 24; Nays 4.

*Yeas:*

Mr. Speaker, Andrews, Biddle, Brindley, Campbell, Folmar, Gafford, Goodwin, Hilliard, Hopping, Jackson (R), LeFlore, Lockett, McCluskey, McNees, Moore (O), Pegues, Porter, Smith (C), Turnham, Venable, Waggoner, Weeks and Wyatt.

—24

*Nays*: Messrs.: Barron, Dial, Morris and Smith (B). —4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Mr. Reed offered the following amendment No. 2 to the bill, H. 9 as amended:

On page 28, immediately after Section 46, insert the following new Section 47 and renumber subsequent Sections accordingly:

Section 47. Macon County Board of Education: For Construction and Equipping a burned school in Macon County ..... 400,000.00

And the amendment was adopted.

Yeas 30; Nays 4.

*Yeas:*

Mr. Speaker, Andrews, Baker, Biddle, Brindley, Campbell, Clark, Cooper, Folmar, Gafford, Goodwin, Hilliard, Hopping, Jackson (R), Jolly, Kennedy, LeFlore, Lewis, McCluskey, McNees, Moore (O), Owens, Porter, Smith (C), Turnham, Venable, Waggoner, Weeks, White and Wyatt.

—30

*Nays*: Messrs.: Barron, Dial, Morris and Smith (B).

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Mr. Reed offered the following amendment No. 3 to the bill, H. 9 as amended:

Amend the Substitute to House Bill 9 by adding after Section 46 on page 28 the following section and renumbering the subsequent sections consecutively:

Section 47. Hobson City Museum ..... 12,500

And the amendment was adopted.

Yeas 20; Nays 6.

*Yeas:*

Mr. Speaker, Albright, Andrews, Baker, Biddle, Brindley, Gafford, Harrison, Hilliard, Hopping, Jackson (R), Jolly, LeFlore, McCluskey, McNees, Martin, Moore (O), Pegues, Porter and Waggoner.

—20

*Nays:*

Messrs.: Barron, Morris, Smith (B), Taylor, Venable and Wyatt.

—6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Mr. Tucker offered the following amendment to the bill, H. 9 as amended:

Amend Ways and Means substitute for H. 9 by adding a new Section 47. as follows, and by renumbering remaining sections:

Section 47. Birmingham Board of Education for maintenance and repair of the Lewis-Slossfield school for the handicapped .. $325,000.00

And the amendment was adopted.

Yeas 24; Nays 5.

*Yeas:*

Mr. Speaker, Albright, Andrews, Biddle, Brindley, Campbell, Falkenburg, Gafford, Hall, Hilliard, Hopping, Jackson (R), Jolly, LeFlore, Lockett, Manley, Merrill, Moore (O), Porter, Robertson, Trammell, Waggoner, Whatley and White.

—24

*Nays*: Messrs.: Barron, Lutz, Smith (B), Taylor and Venable. —5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Mr. Johnson offered the following amendment to the bill, H. 9 as amended:

Amend House Bill 9 page 5, Section G, by adding subsection (h) Minimum Program by adding the following subsection (h):

(h) There is hereby appropriated $4,500,000 to the State Board of Education which shall allocate and pay from said appropriation not less than four hundred (400) additional teacher units for a Kindergarten program over and above the current allocation.

All special education units other than the early childhood and multi-system units, Kindergarten and units to reduce the number of pupils in grades 1-3 shall be allocated to local school systems on the basis of enrollment. Units earned by a system on this basis which are not used by

such system may not be reallocated to other systems except those units necessary to guarantee school systems not less than the number of units allocated to them during the 1974-75 school year. Unallocated units shall remain earmarked for the systems designated for use during subsequent fiscal years.

And the amendment was adopted.

Yeas 34; Nays 7.

*Yeas:*

Mr. Speaker, Andrews, Baker, Boles, Brindley, Campbell, Carter, Clark, Drake, Gafford, Harris, Harrison, Holmes, Hopping, Jackson (F), Johnson, Lee, LeFlore, Leonard, Lewis, Lutz, McNair, McNees, Moore (O), Owens, Porter, Sandusky, Smith (C), Sparks, Trammell, Turnham, Weeks, White and Wyatt.

—34

*Nays:*

Messrs.: Barron, Crawford, Lockett, Rich, Smith (B), Taylor and Venable.

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Mr. Rich offered the following amendment to the bill, H. 9 as amended:

Amend substitute for H. B. 9, page 28, by adding the following sections:

| | |
|---|---|
| No. 47 Etowah County Board of Education for capital outlay purposes | 200,000.00 |
| No. 48 Gadsden City Board of Education for capital outlay purposes | 150,000.00 |
| No. 49 Cherokee Board of Education for capital outlay purposes | 100,000.00 |
| No. 50 Attalla Board of Education for capital outlay purposes | 50,000.00 |

And the amendment was adopted.

Yeas 18; Nays 7.

*Yeas:*

Mr. Speaker, Andrews, Brindley, Campbell, Falkenburg, Gafford, Holmes, Jackson (F), Kennedy, LeFlore, McNees, Moore (O), Owens, Rich, Sandusky, Trammell, Weeks and White.

—18

*Nays:*

Messrs.: Barron, Crawford, Greer, Hill, Lutz, Morris and Smith (B).

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Mr. Leonard offered the following amendment to the bill, H. 9 as amended:

Amend Ways and Means Substitute for House Bill 9 on page 8, line 6 by striking subsection (d) in its entirety and substituting in lieu thereof the following:

(d) Two hundred and fifty dollars ($250) per teacher unit for grades K-6 and three hundred dollars ($300) per teacher unit for grades 7-12 is herein appropriated to the State Board of Education for all teachers employed (except ESEA Title I and Title III teachers and ESAA teachers) and shall be allocated to each county and city board of education for the purchase of instructional supplies, materials, and equipment, excluding furniture and fixtures. Each local county and city board of education shall allocate to the schools in their respective systems an amount as set forth hereinabove for each teacher unit in such school provided from funds from the State. The faculty and principal of each school shall determine the amount to be allocated for the operation of the instructional program to each teacher within the school and shall submit a schedule of allotment for each teacher to the local board of education. The local school board shall issue purchase orders and pay invoices and shall handle all financial transactions in compliance with this section. It is the intent of the legislature that no fees shall be collected in the future in courses required for graduation. In non-required courses local school boards may set reasonable fees for courses requiring laboratory and shop materials and equipment; provided, however, such fees shall be waived for students who cannot afford to pay the fees. This section shall not be construed to prohibit community groups or clubs from fund raising activities; provided, however, that students shall not be required to participate in such fund raising activities. Provided further, it is the intent of the legislature that no local school board shall reduce the amount of funds which it allocated for the 1974-75 school year for the purchase of instructional materials and supplies. There is hereby appropriated in addition to that above the sum of $10,029,700.00.

Further amend the bill by striking on page 6, line 26, the figure "$361,343,028.00" and inserting in lieu therefor "$352,146,678.00."

Further amend the bill by striking on page 10, line 36, the figure "$369,712,278.00" and inserting in lieu therefor "$360,515,928.00."

And the amendment was adopted.

Yeas 35; Nays 5.

*Yeas:*

Mr. Speaker, Andrews, Boles, Campbell, Cates, Gafford, Hall, Harrison, Hilliard, Hines, Hopping, Howard, Jackson (R), Johnson, Jolly, LeFlore, Leonard, Lewis, Lutz, Martin, Moore (O), Owens, Pegues, Rich, Riddick, Robertson, Smith (J), Taylor, Trammell, Tucker, Venable, Waggoner, Weeks, White and Williams.

—35

*Nays*: Messrs.: Barron, Dial, Kennedy, McNees and Wyatt. —5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Messrs. Holley and Dial offered the following substitute to the bill, H. 9 as amended:

A BILL
TO BE ENTITLED
AN ACT

To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1976.

Be It Enacted by the Legislature of Alabama:

Section 1. That for the purpose of this Act, the following classifications, definitions and restrictions shall be applicable: (a) "salary" and "other salaries", wherever appearing herein, shall mean the wages or other compensation for skill, work or employment for anyone performing services for the State of Alabama as an employee, officer or official, and shall be expended only for such purposes; (b) "other expenses" shall mean the operating costs of agencies, departments, boards, bureaus and institutions of the State, other than salaries and equipment purchases and shall be expended only for operating costs incident to the normal operations of such agencies, departments, boards, bureaus and institutions, including supplies and materials, postage, telephone, telegraph, express, travel expense, motor vehicle operations, lights, water, power, insurance and bonding, printing and binding, repairs, rental and items of general expense not defined as "equipment purchases", and the money appropriated therefor shall be expended only for such purposes; (c) "equipment purchases" shall mean those items of office equipment, motor vehicle equipment and other equipment which have an appreciable and calcuable period of usefulness in excess of one year; (d) "automotive equipment purchases" shall mean those items of motor vehicle equipment only and the money appropriated therefor shall be expended only for such purposes. The amounts herein appropriated for "equipment purchases" and "automotive equipment purchases" shall be decreased by the amount of the sale, trade-in or exchange of the items of equipment purchases and automotive equipment purchases as described in Section 1 (c) and (d) hereof. Provided, however, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

Section 2. The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1976, and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 3, Chapter 4, Title 55 of the Code of Alabama 1940) and shall be in the amounts specified in said sections.

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| Section 3. STATE BOARD OF EDUCATION: | | |
| A. For Adult Basic Education: | | |
| To be used to match Federal Funds for a removal of illiteracy program | | 185,000.00 |
| B. Athens College: | | |
| Operation and maintenance | | 1,000,000.00 |
| C. Civil Defense Survival Plan: | | |
| For salaries and other expenses only, in the operation of the Civil Defense Plan | | 17,000.00 |
| D. Civilian Rehabilitation: | | |
| For the vocational rehabilitation of handicapped individuals | 4,860,000.00 | |
| For the Governor's Committee on Employment of Handicapped | 40,000.00 | |
| For Medical Services, adjustment training and attendant care for paraplegics and quadraplegics | 800,000.00 | |
| Total | | 5,700,000.00 |
| E. For Compact for Education | | 15,750.00 |
| (To be expended in accordance with Act No. 1143, 1969 Regular Session.) | | |
| F. Coordination of In-School Television Program: | | |
| For salaries | 80,000.00 | |
| For other expenses | 19,000.00 | |
| For equipment purchases | 1,000.00 | |
| Total | | 100,000.00 |
| G. For Driver Education, School Bus Driver Training and Vehicle-Safety Inspection: | | |
| For salaries | 218,000.00 | |
| For other expenses | 80,000.00 | |
| For equipment purchases | 4,000.00 | |
| Total | | 302,000.00 |
| H. For Driver Education | | 4,415,000.00 |
| I. Drug Education Program: | | |
| For the necessary education on drug abuse | | 163,625.00 |
| J. DEPARTMENT OF EDUCATION: | | |
| (a) For the Department of Education: | | |
| For the salary of the State Superintendent, Estimated | 27,208.00 | |
| For other salaries | 1,036,992.00 | |
| For other expenses | 160,000.00 | |
| For rental expense | 475,000.00 | |
| For equipment purchases | 20,000.00 | |
| For transfer to State Personnel Department | 30,800.00 | |
| Total | | 1,750,000.00 |
| (b) For the "Right To Read Program" | | 50,000.00 |

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| (c) For operation of the Teacher Certification Program | | 200,000.00 |
| (d) Early Childhood Education Program: For administration | | 90,000.00 |
| (e) For Legal Reference Manuals for all Local School Boards | | 25,000.00 |
| (f) For the City and County School Systems which participate in the Pilot Program of Educational Program Management Budgeting. The Systems participating shall be eligible upon certification by the Alabama Education Study Commission to the State Department of Education of the systems participating in this Pilot Program. All monies not used for this purpose shall revert to the Alabama Special Educational Trust Fund | | 70,000.00 |
| (g) Regional Education | | 123,250.00 |
| K. Elementary Teachers Scholarship Fund | | 25,000.00 |
| L. Free Textbooks: | | |
| For salaries | 63,332.00 | |
| For other expenses | 40,000.00 | |
| For disbursements to local boards | 62,250.00 | |
| For equipment purchases | 1,000.00 | |
| For the repair of used and the purchase of new textbooks | 6,318,418.00 | |
| For operation of Course Study Commission | 15,000.00 | |
| Total | | 6,500,000.00 |
| M. Alabama School of Fine Arts: For operation and maintenance | | 300,000.00 |
| N. Junior College Equalization Account: For operation and maintenance of the Junior Colleges listed below, to be distributed on a formula adopted by the State Board of Education | | 26,362,100.00 |

(The above appropriation is to be distributed to the following Junior Colleges: (1) Alexander City State Junior College; (2) S. D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chatachoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George Corley Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19)Lurleen B. Wallace State Junior College.)

Of the amount appropriated to the Junior College Equalization Account, the sum of $575,000.00 shall be distributed to the Wallace Community College at Hanceville, Alabama.

Of the above appropriations contained herein in Section 3, paragraph O not more than the sum of $200,000.00 may be used by the State Board of Education for administration of the state junior college program.

O. To supplement federal funds available under the provisions of the Comprehensive Employment and Training Act ..... 200,000.00

P. Minimum Program Fund:

(a) In addition to all other funds appropriated for the public elementary and high schools of the State, there is hereby appropriated to the State Board of Education for the fiscal year ending September 30, 1976, the sum of $361,343,028.00 to be known as the Minimum Program Fund, which in accordance with the statutes and regulations of the State Board of Education relating to the expenditure of such fund, shall be used for providing a minimum term and for the equalization of educational opportunity in the public schools of the State; provided, that so much thereof as may be necessary of the above appropriations shall be used by the State Board of Education to provide for additional teacher units for each school system in the State which on the basis of current school attendance shall be entitled to additional teacher units over the number allowed based on the year immediately preceding said current year, provided further, that in no case shall a term of less than nine months in tax districts be approved, except that the State Board of Education, upon the recommendation of the State Superintendent of Education shall be authorized to make full allotments of funds to any school system for the time actually taught, if in the judgment of the State Superintendent of Education and the State Board of Education unusual conditions beyond the control of the local Board of Education in any school are such as to prevent the operation of that school for the required nine months minimum term; provided further, that the amount herein appropriated for the Minimum Program Fund shall include all monies earmarked for public school teachers' salaries as provided in the Income Tax Amendment ratified on the 26th day of August, 1947. The Minimum Program Fund shall also include any other appropriations of funds, either State or Federal, which may be designated by the Legislature as a part of the Minimum Program Fund.

(b) It is provided that from the appropriation hereinabove made the State Board of Education shall allocate and pay from said appropriation not less than three hundred fifty-five (355) additional teacher units for the program for exceptional children over and above the current allocation. Twenty-five (25) of the teacher units appropriated may be used in early education programs for exceptional children and twenty-five (25) teacher units may be used in regional multi-system, and/or state-wide programs for exceptional children.

(c) All special education units other than the early childhood and multi-system units, and units to reduce the number of pupils in grades 1-3 shall be allocated to local school systems on the basis of enrollment. Units earned by a system on this basis which are not used by such system may not be reallocated to other systems except those units necessary to guarantee school systems not less than the number of units allocated to them during the 1974-75 school year. Unallocated units shall remain earmarked for the systems designated for use during subsequent fiscal years.

(d) Of the amount appropriated above in sub-section (a) two hundred and fifty dollars ($250) per teacher unit for grades 1-6 and three hundred dollars ($300) per teacher unit for grades 7-12 is herein appropriated to the State Board of Education for all teachers allotted (except ESEA Title I and Title III teachers and ESAA teachers) and shall be allocated to each county and city board of education for the purchase of instructional supplies, materials, and equipment, excluding furniture and fixtures. The faculty and principal of each school shall recommend to the superintendent the amount to be allocated to each teacher for the operation of the instructional program within the school. The local school board shall determine the allocation to each school and teacher, approve or disapprove requisition for purchases from these funds, and shall issue purchase orders and handle all financial transactions in compliance with this section. It is the intent of the legislature that no fees shall be collected.

This section shall not be construed to prohibit community groups or clubs from fund raising activities; provided, however, that students shall not be required to participate in such fund raising activities.

(e) It is provided that beginning with the fiscal year 1975-76 that in addition to the salary now received, and all other increments due, all teachers under the Minimum Program shall receive a salary increase of $1,000.00 per annum; and any county or city board of education failing to comply herewith shall not be entitled to participate in the Minimum Program Fund. It is further provided, that in addition to the salary now received, all school bus drivers shall receive a salary increase of not less than eight per centum (8%) per annum, any county or city board of education failing to comply herewith shall not be entitled to share in the Minimum Program Fund.

It is provided that in addition to all units earned by the local school system under the Minimum Program Fund calculation one (1) extra unit or fraction thereof shall be awarded for each aggregate of fifteen (15) units or fraction thereof earned in said Minimum Program Fund calculation including regular, and special education units. The local school system shall assign to each school within the system at least the number of teacher units earned by that school using the Minimum Program Fund calculation and the additional units earned through the one (1) to fifteen (15) ratio as set forth herein. No school system may reduce during the school year the number of teachers it employed with the local funds during the school year 1974-75 except in instances where all schools within the system are accredited or have met every requirement of accreditation with respect to teacher/pupil ratios. The local school system shall furnish the State Department of Education such information as may be necessary to determine that the provisions of this section have been implemented.

(f) In addition to the appropriation hereinabove made to the Minimum Program, there is hereby appropriated funds for two (2) days personal leave at $17.00 per teacher unit for each teacher earned under the Minimum Program formula to be granted upon request of the teacher and administered by the State Board of Education and by local school boards under procedures governing sick leave for the fiscal year ending September 30, 1976, the sum of $1,138,218.00.

(g) In addition to the appropriation hereinabove made to the Minimum Program (sub-section R) and Vocational Education (sub-section AA) and Driver Education (sub-section H) in grades 1-12, there is hereby appropriated the sum of Two Hundred Sixteen Dollars ($216.00) per annum per teacher, administrative or supervisory unit as located

under the Minimum Program, Vocational Education Program and any other units paid from State or local funds to provide hospital-medical insurance assistance.

These funds shall be made available to local boards of education with a majority of the local participating professional employees selecting the plan(s) and the carrier(s) of the hospital-medical insurance in that system. Any funds not used in the fiscal year shall revert to the Alabama Special Educational Trust Fund. There is hereby appropriated the sum of $7,231,032.00 for the fiscal year ending September 30, 1976, for the purpose of carrying out the provisions of this sub-section.

(h) In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

The amount necessary for the payment of Board of Adjustment awards in accordance with the Minimum Program statutes and regulations.

For "Other Current Expenses" a sum not to exceed $1,543.43 for each earned teacher unit.

For Principal Supplement the sum shall not exceed $72.00 for each earned teacher unit.

For Capital Outlay the sum shall not exceed $64.87 for each earned teacher unit.

Sick leave days shall be paid at the rate of $17.00 per day.

The salary allotment shall be made in accordance with the schedule set out herein above.

The above appropriation contained in sub-section (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of $22,866,490.00. The appropriation herein above set out for the fiscal year 1975-76 in the amount of $369,712,278.00 is based on 30,573.00 teacher units.

It is provided that in the event there are more than 30,573.00 earned teacher units in the fiscal year 1975-76, then such amounts as are necessary to pay for these excess teacher units is hereby appropriated.

It is further provided that in the event that there be less earned teacher units than those set out above than the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid out.

(i) In addition to teacher units allocated above, it is further provided that 300 additional regular teacher units shall be made available for allocation in grades 1-3 of the county and city school systems for the fiscal year ending September 30, 1976. It is the intent of the legislature that priority be given to reduction of class size in grades 1-3, therefore the Alabama Education Study Commission and the State Department of Education shall have the authority to insure that the intent of the legislature is implemented. Any teacher units allocated under the provisions of this section shall be used in grades 1-3 unless the pupil-teacher ratio of 25-1 has already been achieved. In such event, the units may be used in grades 4-6.

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| R. Minimum Program Account: | | |
| Trainable Retarded Children: | | |
| For the administration of a program for exceptional children and youth | | 426,812.00 |
| The appropriation hereinabove made shall be expended by the State Board of Education for the cost incurred by the State Department of Education in the administration of this program. The appropriation for Special Education is the same appropriation as set out in Act No. 67, approved June 27, 1963, and shall be expended in accordance with that Act. | | |
| S. National Defense Education Program. | | 275,000.00 |
| T. Physical Restoration of Crippled Children (Crippled Children's Service): | | |
| For salaries | 450,000.00 | |
| For Handicapped Individuals | 2,800,000.00 | |
| Total | | 3,250,000.00 |
| U. To the Department of Education for Plans and Surveys: | | |
| For salaries | 56,000.00 | |
| For other expenses | 16,500.00 | |
| Total | | 72,500.00 |
| V. To the Department of Education for transfer to the State Telephone Revolving Fund | | 859,512.00 |
| W. State Tenure Commission: | | |
| For expense of operation | | 5,000.00 |
| X. For Training Teachers of Exceptional Teachers | | 250,000.00 |
| Y. (a) Vocational Education: | | |
| For salaries | 75,000.00 | |
| For other expenses | 37,150.00 | |
| For rental expense | 9,529.00 | |
| For equipment purchases | 1,500.00 | |
| Distributions to local boards and institutions | 25,812,220.00 | |
| Total | | 25,935,399.00 |

The appropriation hereinabove shall be disbursed or obligated in accordance with a formula adopted by the State Board of Education. The total allocation of funds to each county and city board of education from the hereinabove appropriation when combined with Federal Vocational Funds shall be at least equal to the amount received by the respective board during the preceding fiscal year and in addition thereto, a sum equal to the percentage equivalency provided for in the Minimum Program salary increase contained in Section 3, paragraph Y (a). In the event proration should become necessary due to the loss of Federal Vocational Funds, each local board shall be reduced by his prorata share under the adopted State Board of Education formula.

Any funds appropriated hereinabove in excess of the preceding fiscal year's distribution and in excess of the percentage salary equivalency under the Minimum Program provision shall be allocated by priorities to those boards that have less than their entitlement.

Funds appropriated hereinabove shall not be expended by the State Department of Education, local boards of education or institutions for contractual services to private profit agencies, organizations and institutions except for the purposes of the renovations, repair and rental of buildings and equipment.

(b) Vocational Education:

For Pilot Program for Agriculture Business for supplying teacher units for experimental farm projects ..... 400,000.00

(c) Vocational Education:

For Industrial Development Training; to be used for industrial purposes only ..... 1,300,000.00

Z. State Vocational Technical School Equalization Account:

For the operations and maintenance of the Vocational Technical Schools listed below, to be distributed in accordance with a formula adopted by the State Board of Education ..... 19,936,000.00

(The above appropriation is to be distributed to the following Vocational Technical Schools: (1) Atmore State Technical Institute; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College-Technical Branch; (7) Carver State Technical Trade School; (8) J. F. Drake State Technical College; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Vocational School; (12) Theodore A. Lawson State Community College-Technical Branch; (13) Douglas MacArthur State Technical College; (14) Muscle Shoals Technical Institute; (15) Northwest Alabama State Technical College; (16) N. F. Nunnelley State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncey Sparks State Technical College; (23) Councill Trenholm State Technical College; (24) Tuscaloosa State Technical College; (25) Walker County State Trade School; (26) George Corley Wallace State Community College-Technical Branch (Selma); (27) George C. Wallace State Community College-Technical Branch (Dothan); (28) George C. Wallace State Technical Community College (Hanceville).)

Of the above appropriations contained herein in Section 3, paragraph Z not more than the sum

of $200,000.00 may be used by the State Board of Education for administration of the Vocational Technical School Program.

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| AA. BOARD OF TRUSTEES OF THE AGRICULTURAL AND MECHANICAL UNIVERSITY: | |
| For the operation and maintenance of the University | 6,194,000.00 |
| BB. BOARD OF TRUSTEES OF ALABAMA STATE UNIVERSITY OF MONTGOMERY: | |
| For the operation and maintenance of the University of Montgomery | 4,914,000.00 |
| Section 4. BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA: | |
| A. The University: | |
| (1) For operation and maintenance | 26,350,000.00 |
| (2) Gadsden Cooperative Upper Division Program | 160,000.00 |
| (3) For Emotionally Disturbed Children | 362,000.00 |
| (4) College of Community Health Sciences | 1,500,000.00 |
| (5) For Public Service, Research and Extension | 1,516,000.00 |
| (6) For Nursing Scholarships | 18,000.00 |
| (7) Psychology Department | 100,000.00 |
| (8) School of Nursing: | |
| For operation and maintenance | 200,000.00 |
| (9) Mine Resources Institute | 200,000.00 |
| (10) Museum of Natural History—Moundville State Park | 126,000.00 |
| (11) Family Practice Clinics | 375,000.00 |
| B. The University—Birmingham: | |
| (1) For the University College: | |
| Operation and maintenance | 9,655,000.00 |
| (2) For the School of Community and Allied Health Resources | 1,123,000.00 |
| (3) For the School of Dentistry: | |
| For operation and maintenance | 5,000,000.00 |
| (4) For Diabetes Clinics: | |
| For operation and maintenance | 250,000.00 |
| (5) For Extension, Public Service and Research | 500,000.00 |
| (6) Urology Department: | |
| Treatment, Research and Development | 400,000.00 |
| (7) Regional Technical Institute: | |
| For operation and maintenance | 1,034,000.00 |
| (8) For Joint Health Science Program: | |
| For operation and maintenance | 1,280,000.00 |
| (9) For Center for Labor Education and Research | 250,000.00 |
| (10) For Medical School: | |
| (a) For operation and maintenance | 9,132,000.00 |

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| (b) For operation and maintenance of Medical Information Service via Telephone | 100,000.00 |
| (c) For Department of Pediatrics | 300,000.00 |
| (11) For Lurleen B. Wallace Cancer Program: For operation and maintenance | 250,000.00 |
| (12) For School of Nursing: For operation and maintenance | 1,644,000.00 |
| (13) For School of Nursing—Scholarships | 88,400.00 |
| (14) For Student Nurses-Loan Fund | 12,000.00 |
| (15) For School of Optometry: For operation and maintenance | 1,000,000.00 |
| (16) For the University Hospital and Clinics | 2,100,000.00 |
| (17) Spinal-Cord Injury Program | 175,000.00 |
| (18) For Family Residency Program: | |
| (a) Anniston | 200,000.00 |
| (b) Florence | 200,000.00 |
| (c) Jefferson County | 200,000.00 |
| (d) Tuscaloosa | 200,000.00 |
| (e) Montgomery | 200,000.00 |
| (f) Heflin | 50,000.00 |
| (g) Pike County | 200,000.00 |
| C. The University—Huntsville: | |
| (1) For operation and maintenance | 4,256,000.00 |
| (2) (a) For School of Medicine (School of Primary Medical Care) | 1,900,000.00 |
| (b) For Ambulatory Care Center | 350,000.00 |
| (3) For Division of Nursing—Scholarships ——— (To be expended in accordance with Act No. 2290, 1971 Regular Session.) | 18,000.00 |
| (4) Environmental Science Center | 250,000.00 |
| (5) Motor Vehicle Research Center (1.6% State Cost-Grant) | 50,000.00 |
| (6) School of Nursing | 600,000.00 |
| Section 5. BOARD OF TRUSTEES OF AUBURN UNIVERSITY: | |
| A. The College: | |
| (1) For operation and maintenance. | 26,605,000.00 |
| (2) Engineering Experiment Station | 475,000.00 |
| (3) Television Education | 300,000.00 |
| (4) Vocational Teacher Education Training Program | 400,000.00 |
| (5) Psychology Department | 100,000.00 |
| (6) Wildlife Research Unit | 50,000.00 |
| (7) Public Service, Research & Extension | 400,000.00 |
| B. Agriculture Research: Alabama Agriculture Experiment Station at Auburn, for work and experimentation | 5,460,000.00 |

That all research work and experimentation comtemplated by the spirit and purpose of this sub-section (b) shall be carried out under the

supervision of the Director of the Agricultural Experiment Station System and the President of Auburn University, who shall make a complete report to the Board of Trustees of Auburn University for the fiscal year ending September 30, 1976.

The funds provided in this sub-section (c) shall be used for the support of researchers, experiments and investigations bearing upon and relating to the production, marketing, manufacturing, use and distribution of agricultural crops and products; for the production; marketing and curing of all kinds of livestock and livestock products that may be sold from or consumed on the farms of Alabama; for the production, culture, and use of pasture plants for the establishment, care, use and management of pastures; for the testing of all kinds of hay, food, and forage crops, including those that may be used for lawns and other sod crop purposes; for the testing of varieties of crops, including soil adaption and improvement; for the testing of fertilizers and fertilizer materials on the various soils and for various crops; for the production, marketing, storage, and curing of fruit, nut and vegetable crops; for the study of plant and animal disease and insect pests; for researches and experiments dealing with forest production, management and use; for researchers dealing with soil erosion and problems arising from the waste of land due to soil erosion, for researchers to discover new uses of land; for the provisions of necessary land, buildings, fencing livestock and other physical equipment needed for the research work herein provided for; for researchers in game and fish production; provided, however, that any researchers in game and fish production shall be in cooperation with or upon the advice of the Director of Conservation, so that there may be complete coordination between the work of the Alabama Agricultural Experiment Station and that of the State Department of Conservation; as future changing agricultural conditions may demand, for researches and experiments on other similar important agricultural and economic problems having for their object the development of a more permanent, profitable and diversified agriculture; and for the printing of the necessary bulletins, circulars, etc., in order that the citizens of Alabama may be acquainted with the results of said research.

C. Extension Work for Agriculture and Home Economics:

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| For advising, demonstrating and informing people of Alabama in agricultural, farm and home pursuits, and other extension services | 5,930,000.00 |
| For payment of Employees Retirement in accordance with Act No. 697, 1975 Regular Session | 500,000.00 |

The appropriation herein made for the Extension Service shall be expended by the direction of the Board of Trustees of Auburn University through its Extension Service and shall be done in such manner as to make available the maximum amounts of aid from the Federal government.

D. Auburn University—Montgomery:

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| For operation and maintenance | 4,410,000.00 |
| For Montgomery Area Community Health Sciences Institute | 110,000.00 |

Section 6. BOARD OF TRUSTEES OF JACKSONVILLE STATE UNIVERSITY:

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| For operation and maintenance | 7,307,000.00 |
| For School of Nursing Scholarships (To be expended in accordance with Act No. 2288, 1971 Regular Session) | 18,000.00 |
| For Gadsden Program | 245,000.00 |

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| Section 7. | BOARD OF TRUSTEES OF LIVINGSTON UNIVERSITY: | |
| | For operation and maintenance | 2,475,000.00 |
| | For School of Nursing Scholarships | 18,000.00 |
| Section 8. | BOARD OF TRUSTEES OF UNIVERSITY OF MONTEVALLO: | |
| | For operation and maintenance | 4,218,000.00 |
| | For Speech and Hearing Clinic | 150,000.00 |
| | For operation and maintenance of a Highway Safety Program | 110,000.00 |
| Section 9. | BOARD OF TRUSTEES OF UNIVERSITY OF NORTH ALABAMA: | |
| | For operation and maintenance | 5,000,000.00 |
| | For School of Nursing Scholarships | 18,000.00 |
| | (To be expended in accordance with Act No. 2304, 1971 Regular Session) | |
| Section 10. | BOARD OF TRUSTEES OF THE UNIVERSITY OF SOUTH ALABAMA: | |
| | (a) For operation and maintenance | 7,442,000.00 |
| | (b) For Coordinate College for Health Professions | 542,000.00 |
| | (c) For operation and maintenance of a College of Medicine | 5,650,000.00 |
| | (d) For Family Residency Program—Baldwin County | 200,000.00 |
| | (e) For Nursing Scholarships | 18,000.00 |
| | (To be expended in accordance with Act No. 2302, 1971 Regular Session) | |
| | (f) For Teaching Hospital | 850,000.00 |
| | (For unrestricted support of health professions education conducted in the University Hospital and Clinics) | |
| Section 11. | BOARD OF TRUSTEES OF TROY STATE UNIVERSITY: | |
| | (a) For operation and maintenance | 5,204,000.00 |
| | (b) For operation and maintenance of Troy State University at Montgomery | 165,000.00 |
| | (c) For operation and maintenance of Troy State University at Fort Rucker-Dothan | 165,000.00 |
| | (d) For School of Nursing-Scholarships | 36,000.00 |
| | (To be expended in accordance with Act No. 2292, 1971 Regular Session) | |
| | (e) For Public Service Research and Extension | 200,000.00 |
| Section 12. | BOARD OF TRUSTEES OF ALABAMA INSTITUTE FOR DEAF AND BLIND: | |
| | (a) For operation and maintenance | 2,960,000.00 |

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| (b) For salaries and expenses incident to instruction of Adult Blind and for operation of the Trade School at the Institute | | 975,000.00 |
| Section 13. DEBT SERVICE: | | |
| (1) For the payment of principal and interest due on bonds issued by Auburn University (Alabama Polytechnic Institute) pursuant to Constitutional Amendment No. CXX | | 308,760.00 |
| (2) For the payment of principal and interest due on bonds issued by the University of Alabama pursuant to Constitutional Amendment No. CXIX | | 308,760.00 |
| (3) For the payment of principal and interest due on bonds issued by the University of Alabama Research Institute pursuant to Constitutional Amendment No. CLVII | | 207,025.85 |
| (4) Interest on Endowments: | | |
| For interest on University of Montevallo (Alabama College) Endowment, Estimated | 44,000.00 | |
| For interest on Auburn University Endowment | 20,280.00 | |
| For interest on University of Alabama Endowment | 61,000.00 | |
| For interest on Grove Hill Endowment | 600.00 | |
| For interest on Public School Fund Endowment: | | |
| Interest on 16th Section lands, Estimated | 285,000.00 | |
| Interest on School Indemnity lands, Estimated | 67,135.81 | |
| Interest on Valueless 16th Section lands | 5,825.47 | |
| Interest on Surplus Revenue | 26,763.47 | |
| Interest on James Wallace Fund | 275.25 | |
| Total | | 510,880.00 |

| | | | |
|---|---|---|---|
| Section 14. | BOARD OF DENTAL SCHOLARSHIP AWARDS: | | |
| | For Dental Scholarships at the University of Alabama School of Dentistry or any other dental school accredited by the Council of Dental Education of the American Dental Association | | 83,000.00 |
| | (To be expended under the provisions of Act No. 792, 1965 Regular Session) | | |
| Section 15. | EDUCATION OF DEPENDENTS OF BLIND PARENTS: | | |
| | For reimbursement of every State Institution of Higher Learning, College, University, or State Trade School or Junior College, in which benefits are given to dependents of blind parents under the provisions of Act No. 281, 1966 Special Session, Estimated | | 6,930.00 |
| Section 16. | ALABAMA EDUCATION STUDY COMMISSION: | | |
| | To be used for educational studies in accordance with Act No. 15, 1969 Special Session: | | |
| | For salaries, other expenses and equipment purchases | | 205,000.00 |
| Section 17. | ALABAMA EDUCATIONAL TELEVISION COMMISSION: | | |
| | For salaries | 714,000.00 | |
| | For other expenses | 500,000.00 | |
| | For equipment purchases | 241,000.00 | |
| | For automotive equipment purchases | 10,000.00 | |
| | For programming | 375,000.00 | |
| | Total | | 1,840,000.00 |
| Section 18. | DEPARTMENT OF PUBLIC HEALTH: | | |
| | For transfer to the Department of Health: | | |
| | For Immunization of Pre-School and students | 250,000.00 | |
| | For Public School Food Sanitation Program | 250,000.00 | |
| | Total | | 500,000.00 |
| Section 19. | COMMISSION ON HIGHER EDUCATION: | | |
| | For salaries | 230,000.00 | |
| | For other expenses | 70,000.00 | |
| | Total | | 300,000.00 |
| | (To be expended in accordance with Act No. 14, 1969 Special Session) | | |

| | | |
|---|---|---|
| Section 20. | MARINE ENVIRONMENTAL CONSORTORIUM: | |
| | For operation and maintenance | 325,000.00 |
| Section 21. | MEDICAL SCHOLARSHIPS BOARD: | |
| | For Medical Scholarships at the University of Alabama Medical School | 135,000.00 |
| | (To be expended under the provisions of Act No. 278, 1965 1st Special Session) | |
| Section 22. | MONTGOMERY INSTITUTE FOR NEUROLOGICAL DEVELOPMENT | 25,000.00 |
| Section 23. | ALABAMA PUBLIC LIBRARY SERVICE: | |
| | State Aid to Counties | 572,000.00 |
| Section 24. | SOCIAL SECURITY: | |
| | For State's share of Social Security, Estimated | 28,000,000.00 |
| Section 25. | SYLACAUGA NURSES TRAINING SCHOOL: | |
| | For operation and maintenance | 40,000.00 |
| | For School of Nursing Scholarships | 18,000.00 |
| | (To be expended in accordance with Act No. 2393, 1971 Regular Session) | |
| Section 26. | BOARD OF CONTROL OF THE TEACHERS' RETIREMENT SYSTEM: | |
| | For Teachers' Retirement System, Estimated | 90,000,000.00 |
| | The above appropriation shall be expended in accordance with the statutes and regulations now or hereafter existing relating to the expenditure of such Teachers' Retirement Fund. | |
| | For Teachers' Special Pension Fund, Estimated | 4,000,000.00 |
| Section 27. | VETERANS EDUCATION BENEFITS: | |
| | For reimbursment to every State Institution of Higher Learning, College, University, or State Trade School or Junior College, in which benefits are given to veterans, their wives, widows, or children under the provision of Act No. 767, 1965 Regular Session, Estimated | 900,000.00 |
| Section 28. | JOHN M. WILL MEMORIAL SCHOLARSHIP FOUNDATION | 1,000.00 |
| Section 29. | YOUTH SERVICES BOARD: | |
| | For operation and maintenance | 5,100,000.00 |
| | For salaries of Probation Officers | 950,000.00 |
| | (To be expended in accordance with Act No. 816, 1973 Regular Session) | |
| | Youth Services Board—For Administration | 400,000.00 |

| | | | |
|---|---|---|---|
| Section 30. | BIRMINGHAM TRAINING CENTER FOR BRAIN INJURED | | 29,100.00 |
| Section 31. | ALABAMA LAW INSTITUTE FOR LIBRARY BOOKS | | 64,000.00 |
| Section 32. | ALABAMA LEARNING RESOURCES CENTER (Instructional Materials Center) | | 60,000.00 |
| Section 33. | COMMISSION ON PHYSICAL FITNESS: | | |
| | For salaries | 48,300.00 | |
| | For other expenses | 13,200.00 | |
| | For equipment purchases | 500.00 | |
| | Total | | 62,000.00 |
| Section 34. | PUBLIC LIBRARY SERVICE: | | |
| | For salaries | 114,000.00 | |
| | For other expenses | 28,000.00 | |
| | For books and periodicals | 36,000.00 | |
| | Total | | 178,000.00 |
| Section 35. | ALABAMA LAW INSTITUTE | | 125,000.00 |
| Section 36. | ALABAMA LAW ENFORCEMENT PLANNING AGENCY: | | |
| | For operation and maintenance of a law enforcement academy at Troy State University | 55,000.00 | |
| | For operation and maintenance of a law enforcement academy at Jacksonville State University | 55,000.00 | |
| | For operation and maintenance of a law enforcement academy at John C. Calhoun Junior College | 55,000.00 | |
| | For operation and maintenance of a law enforcement academy at Jefferson State Junior College | 55,000.00 | |
| | Total | | 220,000.00 |
| Section 37. | WALKER COUNTY BOARD OF EDUCATION: | | |
| | For the use of the Sumiton Elementary | | 500,000.00 |
| Section 38. | HENRY COUNTY BOARD OF EDUCATION: | | |
| | For capital outlay purposes | | 300,000.00 |

Section 39. BIRMINGHAM CITY BOARD OF EDUCATION:
For Speech and Hearing Clinic ..... 100,000.00

Section 40. WINFIELD CITY BOARD OF EDUCATION:
For Capital Outlay ..... 300,000.00

Section 41. MORGAN COUNTY BOARD OF EDUCATION:
Falkville High School
For the construction of a gymnasium ..... 300,000.00

Section 42. BIRMINGHAM SYMPHONY ASSOCIATION, INC.
(To be used for the support and maintenance of an expanded statewide music education program by the official Symphony of the State of Alabama for the young people in the primary and secondary schools and to be expended with the advice of a committee composed of the State Superintendent of Education and four persons appointed by him and the President of the Birmingham Symphony Association and four persons appointed by him.)

Section 43. ARAB CITY BOARD OF EDUCATION ..... 450,000.00

Section 44. STATE BOARD OF EDUCATION:
For additional construction and equipping of the Atmore State Technical Institute ..... 228,000.00

Section 45. LOWNDES COUNTY BOARD OF EDUCATION:
For construction and equipping a burned school in Lowndes County ..... 300,000.00

Section 46. LAUDERDALE COUNTY BOARD OF EDUCATION:
For capital outlay purposes for Central School ..... 380,000.00

Section 47. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds provided for in this Act, whereupon the Comptroller, upon the approval by the Governor shall issue his warrant therefor; provided, that all appropriations and funds made available to the University of Montevallo, the University of Alabama, the University of South Alabama, Auburn University, the Institute for the Deaf and Blind, the Youth Services Board, the Alabama Educational Television Commission, Teachers' Retirement System, University of North Alabama, Jacksonville State University, Livingston State University, Troy State University, Agricultural and Mechanical University, Alabama State University and the State Social Security Board by the provisions of this Act shall be paid by request to the Comptroller made in the manner now provided by law.

Section 48. All acts of the Governor of the State of Alabama and all other state officials pertaining to expenditures of state funds made to insure and to provide for the continuity of and the operation of the State Government and the public school system of the State of Alabama from October 1, 1975, until the effective date of this Act are hereby ratified and approved.

Section 49. There is hereby transferred the sum of twenty-seven million two hundred thousand dollars ($27,200,000.00) to a fund designated in the State Treasury as the Alabama Special Educational Trust Fund Reserve Account.

Funds in the Alabama Special Educational Trust Reserve Account shall be used only by transfer to the Alabama Special Educational Trust Fund and only in the event that there be insufficient funds in the Alabama Special Educational Trust Fund account to meet appropriations made from the Alabama Special Educational Trust Fund.

Section 50. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act, or all or any portion of any appropriation or appropriations herein made, be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision, or portion of this Act, or any other appropriation or portion thereof made not in and of itself unconstitutional or invalid.

Section 51. This Act shall become effective on October 1, 1975.

And the substitute was adopted.

Yeas 81; Nays 12.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—81

*Nays:*

Messrs.: Albright, Boles, Brindley, Ford, Harrison, Holmes, Johnson, Kennedy, LeFlore, Leonard, Lewis and Tucker.

—12

And the bill, H. 9 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 12.

*Yeas:*

Mr. Speaker, Andrews, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer,

Harris, Higginbotham, Hilliard, Hines, Holley, Holmes, Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lockett, McCluskey, McCulley, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (J), Sonnier, Sparks, Taylor, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—78

*Nays:*

Messrs.: Armstrong, Boles, Brindley, Hall, Harrison, Johnson, Lewis, Lutz, McNees, Smith (C), Teague and Warren.

—12

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Reed voting "Yea" on the bill, H. 9.

MOTION TO RECONSIDER TABLED

Having voted on the prevailing side, Mr. Holmes offered the motion to reconsider the vote by which the bill, H. 9 as amended, was passed.

On motion of Mr. Manley, the motion offered by Mr. Holmes was tabled.

Yeas 64; Nays 25.

*Yeas:*

Mr. Speaker, Baker, Barron, Biddle, Callahan, Campbell, Carter, Cates, Clark, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Harris, Higginbotham, Hines, Holley, Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Lutz, McCluskey, McCulley, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (M), Sonnier, Taylor, Turnham, Venable, Waggoner, Weeks, Whatley, White and Williams.

—64

*Nays:*

Messrs.: Albright, Andrews, Armstrong, Boles, Brindley, Carothers, Cooper, Ford, Glass, Hall, Holmes, Johnson, LeFlore, Leonard, Lewis, Lockett, McNees, Porter, Reed, Robertson, Smith (C), Smith (J), Tucker, Warren and Wyatt.

—25

BILLS ON THIRD READING RESUMED

And the bill:

H. 234. Amend Act No. 1180 of the 1975 Regular Session of the Alabama Legislature by changing the overtime provisions of said Act; defines state law enforcement officer and repeals all conflicting laws; and provides funding.

Was taken up.

Mr. Manley offered the following substitute to the bill:

A BILL
TO BE ENTITLED
AN ACT

To amend and re-enact Act No. 1180 of the 1975 Regular Session of the Alabama Legislature so as to change the overtime provisions of said act; to define state law enforcement officer; to exclude state law enforcement employed by the Alabama Forestry Commission from the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1180, H. B. 66, of the 1975 Regular Session of the Alabama Legislature entitled "An Act To require the granting under certain circumstances, of either overtime pay or compensatory leave to law enforcement officers in the service of the state" is hereby amended and re-enacted to read as follows: "An Act, To require the granting, under certain circumstances, of either overtime pay or compensatory leave to certain law enforcement officers in the service of the state.

"Be It Enacted by the Legislature of Alabama:

"Section 1. Each state law enforcement officer in the service of the state shall normally work a forty hour work week. Each officer shall be authorized to work an additional eight hours per week as assigned. Hours worked in excess of forty hours in any calendar week shall be compensated at the rate of one and one-half times his regular rate of pay up to a maximum of eight hours per week; however, conpensatory time at the rate of one and one-half times regular time may be paid for overtime worked. The decision of whether to accept overtime pay or compensatory time shall be at the sole option of the officer. For the time worked, when required by employee's department, no additional compensation shall be paid for time worked in excess of forty-eight hours per week up to fifty-four hours per week during the period December 1, 1975 to September 30, 1976. Time worked in excess of fifty-four hours per week shall be compensated at the rate of one and one-half times the regular pay rate or one and one-half times compensatory time at the discretion of the Department. From the period October 1, 1976, through September 30, 1977, hours worked in excess of forty-eight up to fifty-four hours, the officer shall be given straight compensatory time off. Time worked in excess of fifty-four hours per week shall be compensated at a rate of one and one-half times the regular pay or one and one-half times compensatory time at the discretion of the Department. For the period October 1, 1977, and thereafter, all hours over forty-eight shall be one and one-half compensatory time or pay at the discretion of the Department.

"Section 2. Any such law enforcement officer who works overtime during any calendar month shall on the last day of such month file in writing a statement as to his election to accept overtime pay or compensatory leave. In the event such law enforcement officer elects to receive overtime pay, such pay shall be included with his compensation for the next succeeding pay period. If he elects to receive compensatory leave, such leave may be taken at any time during the calendar year in which it is earned with the approval of his supervisor, except during time of emergency. The statement shall be certified by the law enforcement officer and approved by his supervisor specifying the length of time that said officer worked in excess of forty hours in any one calendar week during the preceeding month.

"Section 3. A state law enforcement officer shall be defined as a full-time state employee who has the power of a peace officer and who is

sworn to uphold the laws and constitution of the State of Alabama and has the power of arrest and who complies with the Minimum Standards and Training Act. Provided, however, that state law enforcement officers employed by the Alabama Forestry Commission are excluded from the provisions of this act.

"Section 4. Funds in the following amounts necessary to implement this act are hereby appropriated from the General Fund:

| | |
|---|---|
| Alcoholic Beverage Control Board | $ 614,842.00 |
| Department of Agriculture and Industries | 26,870.00 |
| Department of Conservation and Natural Resources | |
| Administrative Division | 13,273.00 |
| Game and Fish Division | 568,453.00 |
| Parks Division | 14,511.00 |
| Marine Resources Division | 49,979.00 |
| Water Safety Division | 160,118.00 |
| Department of Public Safety | 2,240,065.64 |
| Department of Revenue | 51,397.00 |
| Insurance Department | 56,261.52 |
| Public Service Commission | 35,872.20 |
| ESTIMATED TOTAL | $3,831,641.00 |

"Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

"Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

"Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 68; Nays 1.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Hall, Harris, Higginbotham, Hines, Holmes, Jackson (F), Johnson, Johnstone, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (J), Smith (M), Sparks, Tucker, Venable, Waggoner, Weeks, White, Williams and Wyatt.

—68

*Nay*: Mr. McNair. —1

And the bill:

H. 234. To amend and re-enact Act No. 1180 of the 1975 Regular Session of the Alabama Legislature so as to change the overtime provisions of said act; to define state law enforcement officers; to exclude

state law enforcement employed by the Alabama Forestry Commission from the provisions of this act.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Harris, Higginbotham, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—85

And the bill:

H. 235. Relating to motor vehicles; to increase minimum fines for certain traffic offenses, and for such purpose amending Code of Alabama 1940, Title 36, Sections 2, 3, 24, 30, 69, and 70, and Act No. 22, H. 1, Regular Session 1953; to provide for the disposition of the proceeds of such fines and for such purpose creating a state Law Enforcement Overtime Fund; and appropriating the monies deposited therein.

Was taken up.

Mr. Manley offered the following amendment to the bill:

Amend H. B. 235, page 1, Title, line 20, by inserting after the figure "30," the following:

58(51), 53

And the amendment was adopted.

Yeas 64; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Clark, Crawford, Drake, Falkenburg, Folmar, Gafford, Glass, Harris, Higginbotham, Hines, Holmes, Howard, Jackson (F), Johnson, Jolly, Kelley, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sparks, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—64

## MOTION TO TEMPORARILY CARRY OVER TABLED

On motion of Mr. Manley, the motion offered by Mr. Reed to temporarily carry over the bill, H. 235 as amended, was tabled.

Yeas 63; Nays 16.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carter, Cates, Clark, Cooper, Crawford, Cross, Drake, Falkenburg, Gafford, Glass, Greer, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Johnson, Jolly, Killian, Kinsey, Lee, Lutz, McCulley, McMillan, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (M), Sonnier, Sparks, Taylor, Teague, Trammell, Turnham, Waggoner, Weeks, Whatley, White and Williams.

—63

*Nays:*

Messrs.: Boles, Dial, Edwards, Ford, Hall, Howard, Jackson (R), Kelley, Kennedy, Lewis, McNair, Plaster, Smith (J), Tucker, Warren and Wyatt.

—16

MOTION TO POSTPONE TABLED

On motion of Mr. Manley, the motion offered by Mr. Reed to postpone the bill, H. 235 as amended, to the fourth legislative day was tabled.

Yeas 64; Nays 16.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Jolly, Killian, Kinsey, Lee, Lutz, McCluskey, McCulley, McMillan, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (M), Sonnier, Sparks, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Weeks, White and Williams.

—64

*Nays:*

Messrs.: Boles, Edwards, Ford, Hall, Howard, Jackson (R), Kennedy, LeFlore, Lewis, McNair, Plaster, Smith (C), Smith (J), Tucker, Warren and Wyatt.

—16

And the bill:

H. 235. Relating to motor vehicles; to increase minimum fines for certain traffic offenses, and for such purpose amending Code of Alabama 1940, Title 36, Sections 2, 3, 24, 30, 58(51), 53, 69, and 70, and Act No. 22, H. 1, Regular Session 1953; to provide for the disposition of the proceeds of such fines and for such purpose creating a state Law Enforcement Overtime Fund; and appropriating the monies deposited therein.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 18.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Campbell, Carter, Cates, Clark, Crawford, Cross, Dial, Drake, Edwards,

Folmar, Gafford, Greer, Harris, Higginbotham, Hill, Holley, Holmes, Hopping, Johnson, Jolly, Killian, Lee, Leonard, Lutz, McCulley, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Owens, Pegues, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Sparks, Starkey, Taylor, Teague, Venable, Waggoner, Weeks, White and Williams.

—59

*Nays:*

Messrs.: Boles, Carothers, Ford, Harrison, Jackson (R), Johnstone, Kelley, LeFlore, Lewis, McCluskey, Mitchem, Naramore, Smith (J), Sonnier, Tucker, Turnham, Warren and Wyatt.

—18

And the bill:

H. 214. To equalize the benefits payable under thte Employees' Retirement System of Alabama and the Teachers' Retirement System of Alabama; to provide members of the Employees' Retirement System with up to four years military credit, and full retirement after thirty years of service, regardless of age, as has been previously granted members of the Teachers' Retirement System; to provide members of the Teachers' Retirement System retirement benefits based upon a final average compensation calculated upon the three highest of the last ten years of service, which has been previously granted members of the Employees' Retirement System; to provide for an increase in certain member contributions in order to insure future soundness and stability of the funds administered by the Retirement Systems of Alabama; and to provide for a long term decrease in the employer cost of funding said retirement systems and to provide that no appropriation is needed or required to implement the provisions of this Act.

Was taken up.

MOTION TO RECOMMIT TABLED

On motion of Mr. Sasser, the motion offered by Mr. McNair to recommit the bill, H. 214, to the Standing Committee on State Administration was tabled.

Yeas 47; Nays 40.

*Yeas:*

Mr. Speaker, Andrews, Callahan, Campbell, Carothers, Clark, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Gafford, Glass, Greer, Harris, Higginbotham, Jackson (F), Jolly, Kelley, Lockett, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (M), Taylor, Venable, Waggoner, Weeks, Whatley, White, and Williams.

—47

*Nays:*

Messrs.: Albright, Baker, Boles, Brindley, Carter, Cates, Cooper, Drake, Folmar, Ford, Hall, Harrison, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Johnson, Johnstone, Kinsey, LeFlore, Leonard, Lewis, McNair, Malone, Naramore, Plaster, Quarles, Reed, Robertson, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Tucker, Warren and Wyatt.

—40

MOTION TO POSTPONE TABLED

On motion of Mr. Sasser, the motion offered by Mr. Boles to postpone the bill, H. 214 to the eighth legislative day was tabled.

Yeas 53; Nays 30.

*Yeas:*

Mr. Speaker, Andrews, Baker, Biddle, Callahan, Campbell, Carothers, Clark, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Gafford, Greer, Harris, Higginbotham, Hines, Jackson (F), Johnstone, Kennedy, Lockett, McCulley, McMillan, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (M), Sonnier, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—53

*Nays:*

Messrs.: Albright, Boles, Brindley, Cates, Drake, Folmar, Hall, Hill, Hilliard, Holley, Hopping, Jackson (R), Johnson, Jolly, LeFlore, Leonard, Lewis, McNair, McNees, Porter, Quarles, Reed, Robertson, Smith (B), Smith (C), Smith (J), Sparks, Trammell, Tucker and Wyatt.

—30

Mr. McCluskey offered the following amendment to the bill, H. 214:

Amend H. B. 214, page 12, Section 4, line 26, by striking the words "and a member of the Judicial Retirement Fund"

Also on page 12, Section 4, line 28, insert the following:

Members of the Judicial Retirement Fund shall pay six and three-fourths (6¾) percentum of his state salary into such fund.

AMENDMENT TABLED

On motion of Mr. Sasser, the amendment offered by Mr. McCluskey to the bill, H. 214, was tabled.

Yeas 39; Nays 36.

*Yeas:*

Mr. Speaker, Barron, Biddle, Callahan, Campbell, Carothers, Cooper, Crawford, Cross, Dial, Gafford, Greer, Jackson (F), Lockett, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (M), Sonnier, Turnham, Waggoner, Weeks, White, Williams and Wyatt.

—39

*Nays:*

Messrs.: Armstrong, Boles, Cates, Clark, Edwards, Folmar, Ford, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Lee, Lewis, McCluskey, McNair, Morris, Porter, Robertson, Smith (C), Smith (J), Sparks, Taylor, Trammell, Tucker, Venable and Warren.

—36

Mr. Lee offered the following amendment to the bill, H. 214:

Amend H. 214 on Page 12, line 27, by inserting in lieu of the word "compensation", the words "state salary".

SUBSTITUTE MOTION TABLED

On motion of Mr. Sasser, the substitute motion offered by Mr. Johnson to postpone the bill, H. 214, to the fifth legislative day was tabled.

Yeas 47; Nays 35.

*Yeas:*

Mr. Speaker, Andrews, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Clark, Crawford, Cross, Crowe, Dial, Edwards, Gafford, Glass, Greer, Harris, Higginbotham, Jackson (F), Lee, Lockett, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Reed, Rich, Roberts, Sandusky, Smith (M), Turnham, Venable, Waggoner, Warren, Weeks, White and Williams.

—47

*Nays:*

Messrs.: Armstrong, Case, Cooper, Drake, Folmar, Ford, Hall, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kennedy, LeFlore, Leonard, Lewis, McNair, Plaster, Porter, Quarles, Robertson, Smith (B), Smith (C), Smith (J), Sparks, Taylor, Trammell, Tucker and Wyatt.

—35

The question was then on the adoption of the amendment offered by Mr. Lee to the bill, H. 214, and the amendment was adopted.

Yeas 74; Nays 3.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Greer, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, LeFlore, Leonard, Lockett, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Robertson, Sandusky, Smith (B), Smith (J), Sparks, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—74

*Nays*: Messrs.: Moore (W), Smith (M), and Wyatt. —3

Mr. Holmes offered the following amendment to the bill, H. 214 as amended:

Amend House Bill 214 by deleting lines 26, 27 and 28 of Section 4, page 12 an insert in lieu thereof the following:

"compensation, except in the case of a state policeman for which the rate of 10.0 per centum of earnable compensation shall apply and except for a member of the Judicial Retirement Fund for which the rate of 7.0 per centum of earnable compensation shall apply."

And the amendment was lost.

Yeas 32; Nays 50.

*Yeas:*

Messrs.: Albright, Armstrong, Cates, Clark, Edwards, Folmar, Ford, Harris, Higginbotham, Hill, Hilliard, Holley, Holmes, Hopping, Jackson (R), Johnson, Kelley, Lee, Leonard, Lewis, McCluskey, Morris, Plaster, Porter, Robertson, Smith (C), Smith (J), Taylor, Teague, Tucker, Venable and Warren.

—32

*Nays:*

Mr. Speaker, Andrews, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Carter, Cooper, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Gafford, Glass, Greer, Hall, Howard, Jackson (F), Jolly, LeFlore, Lockett, McCulley, McMillan, McNair, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Rich, Riddick, Roberts, Shelton, Smith (B), Smith (M), Turnham, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—50

Mr. Sasser offered the following amendment to the bill, H. 214 as amended:

Amend H. 214 by adding the following section:

Section 3 (3). Time of service and contributions may be transferred between the Employees Retirement System, the Judicial Retirement Fund, and the Teachers Retirement System by any member whose employment status changes and who becomes eligible to participate in a different one of said retirement systems or funds. A member may transfer into the retirement fund under which he may become eligible for participation: all time of service, contributions and interest thereon which he formerly had accumulated under any of the three funds hereinabove set forth. Any member hereby affected may, within three years after change of employment, apply in writing to his former retirement system and such accumulated time in service, contributions and interest thereon shall be transferred in to the retirement fund under which he is then currently eligible, for which he shall receive full credit thereunder toward retirement and survivors' benefits. Should the percentage of salary of the member's contribution in a former system be less than it would have been in the one into which transfer is made, the member shall have a period of three years to pay into the current fund the difference in percentage of his contribution based upon the annual salary upon which his former contributions were calculated.

And the amendment was adopted.

Yeas 74; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Greer, Hall, Harris, Higginbotham, Hill, Hilliard, Holley, Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, LeFlore, Leonard, Lewis, Lockett, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith

(M), Taylor, Teague, Trammell, Tucker, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—74

Mr. Smith (C) offered the following amendment to the bill, H. 214 as amended:

Amend H. B. 214, on page 12, line 25, by striking the word "six" and inserting in lieu thereof the word: five

AMENDMENT TABLED

On motion of Mr. Sasser, the amendment offered by Mr. Smith (C) to the bill, H. 214 as amended, was tabled.

Yeas 46; Nays 42.

*Yeas:*

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Cooper, Crawford, Crowe, Dial, Gafford, Greer, Higginbotham, Hill, Jackson (F), Jackson (R), Lee, Leonard, Lockett, Lutz, McCulley, McMillan, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Rich, Riddick, Shelton, Smith (B), Smith (M), Sonnier, Teague, Turnham, Weeks, Whatley, White and Williams.

—46

*Nays:*

Messrs.: Armstrong, Boles, Brindley, Carter, Cates, Cross, Drake, Edwards, Falkenburg, Folmar, Ford, Hall, Harrison, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Kennedy, LeFlore, Lewis, McCluskey, McNair, McNees, Martin, Naramore, Plaster, Quarles, Roberts, Smith (C), Smith (J), Sparks, Taylor, Trammell, Tucker, Venable, Warren and Wyatt.

—42

And the bill, H. 214 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 42.

*Yeas:*

Mr. Speaker, Andrews, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Cates, Cooper, Crawford, Crowe, Dial, Edwards, Gafford, Glass, Greer, Harris, Higginbotham, Jackson (F), Kelley, LeFlore, Lockett, Lutz, McCulley, McMillan, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Rich, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (M), Sonnier, Teague, Tucker, Turnham, Venable, Weeks, Whatley, White and Williams.

—52

*Nays:*

Messrs.: Albright, Armstrong, Boles, Brindley, Carter, Cross, Drake, Falkenburg, Folmar, Ford, Hall, Harrison, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, McNair, McNees, Plaster, Quarles, Reed,

Robertson, Smith (C), Smith (J), Sparks, Taylor, Trammell, Waggoner, Warren and Wyatt.

—42

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. McCluskey to suspend the rules in order to bring up out of order the bill, H. 208, was lost, lacking a four-fifths vote.

Yeas 66; Nays 22.

*Yeas:*

Mr. Speaker, Albright, Andrews, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Gafford, Greer, Hall, Harris, Higginbotham, Hines, Holley, Hopping, Jackson (F), Jolly, Kelley, Leonard, Lockett, McCluskey, McCulley, McMillan, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—66

*Nays:*

Messrs.: Armstrong, Biddle, Boles, Folmar, Harrison, Hilliard, Holmes, Howard, Jackson (R), Johnson, Kennedy, Killian, LeFlore, Lewis, McNair, McNees, Merrill, Porter, Reed, Robertson, Tucker and Waggoner.

—22

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Biddle to suspend the rules in order to bring up out of order the bill, H. 95, was lost.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Johnstone to suspend the rules in order to bring up out of order the bill, H. 155, was lost.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Carothers to suspend the rules in order to bring up out of order the bill, H. 40, was lost.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Pegues to suspend the rules in order to bring up out of order the bill, H. 41, was lost.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Baker:

S. 85. Proposing an amendment to the Constitution of Alabama to authorize the Legislature to provide for the retirement of elected officials

and of heads of departments of state government with such conditions, retirement benefits and pensions as it deems wise.

Also:

By Mr. Baker:

S. 47. To provide for the creation of the Alabama Elected Officials Retirement Fund; to provide for the actuarially sound administration and supervision thereof; to provide for the payment of contributions by the members of said fund; and further to provide for the necessary and proper appropriations and other employer costs to carry out the provisions of this Act.

Also:

By Mr. Waldrop:

S. 102. To provide for the licensing of speech pathologists and audiologists; to establish an Alabama Board of Examiners for Speech Pathology and Audiology; to define the powers and duties of such board; to prescribe licensing standards, procedures, and fees; to provide a penalty for violation of this act; and to repeal conflicting laws.

Also:

By Mr. St. John:

S. 39. To make an additional appropriation from the State treasury to the use of the Legislative Reference Service for the payment of costs of printing and publishing the index of local laws, for cost of equipment, supplies and for other expenses.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate bill, S. 85, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Ways and Means.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 47. Ways and Means.

S. 102. Health.

S. 39. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. Mitchell and Baker:

S. 123. To amend Act No. 556, H. 857, Regular Session 1975, which relates to establishing a new fee schedule for services rendered in probate

offices, so as to reduce the perpage cost from $5.00 per page to $2.00 per page for pages where a substantial part of such page is printed in smaller type than 10 point.

Also:

By Mr. Torbert:

S. 50. Amend Act No. 1180 of the 1975 Regular Session of the Alabama Legislature by changing the overtime provisions of said Act; defines state law enforcement officer and repeals all conflicting laws; and provides funding.

Also:

By Mr. McMillan:

S. 84. To amend Code of Alabama 1940, Title 15, Section 325 relative to place of confinement for persons sentenced to three years or less imprisonment.

Also:

By Messrs.: Little, McMillan and Pearson:

S. 94. To provide for application for review of felony sentences of five or more years, except death sentences, by a panel of three circuit judges appointed from time to time by the Presiding Judge of the Court of Criminal Appeals.

Also:

By Mr. McMillan:

S. 113. To authorize the State Board of Pardons and Paroles to charge parolee residents of community residential facilities a monthly amount for room and board; to provide that such charge may be waived upon written recommendation by the director of the facility; to provide for earmarking the proceeds from such charges; to authorize said board to promulgate and effect such rules and regulations necessary for the implementation of this act and to repeal conflicting statutes.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 123. Judiciary.

S. 50. Ways and Means.

S. 84. Judiciary.

S. 94. Judiciary.

S. 113. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Givhan:

S. 42. To make an appropriation to the Department of Agriculture and Industries for control and eradication of a destructive insect pest known as the fire ant.

Also:

By Mr. Mims:

S. 51. To appropriate $50,000.00 from the general fund in the state treasury to the general fund of Escambia County as reimbursement for costs incurred in the trial of state inmates in that county.

Also:

By Mr. Mims:

S. 55. To authorize the County Commission or like governing body of each of the several counties to appoint an Engineer Trainee; to provide for the qualifications and duties of such Engineer Trainee; and to provide for State participation in the salary of such Engineer Trainee appointed.

Also:

By Messrs. Ellis, Mims and Pearson:

S. 37. To amend Section 4 of Act No. 712, H. 48, Acts of Alabama 1951 (Acts 1951, Vol. II, p. 1250) relating to tourist advertising, to permit the purchase of intrastate advertising of state-owned parks by bureau of publicity and information.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 42. Ways and Means.

S. 51. Ways and Means.

S. 55. Ways and Means.

S. 37. Conservation.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Foshee:

S. 52. To amend the provisions of Act No. 763, H. 286, 1973 Regular Session, approved September 5, 1973, which provided a $5.00 per day subsistence allowance for certain law enforcement officers, so as to extend the provisions of said Act to state law enforcement officers employed by the Industrial Relations Department.

Also:

By Mr. Gilmore:

S. 100. To amend Act No. 763, Regular Session, 1973, which relates to subsistence allowances for law enforcement officers while on duty and to authorize expenditure of funds for that purpose.

Also:

By Mr. Baker:

S. 97. To provide for the compensation of certain circuit judges in this state; to provide for a certain county salary supplement in lieu of expense allowances for such judges at the beginning of their next term of office.

Also:

By Mr. Gilmore:

S. 35. To amend Section 1, Act No. 763, H. 286 of the 1973 Regular Session (Acts of 1973, Vol. II, p. 1145) providing further for subsistence allowances for law enforcement officers.

Also:

By Mr. Jones:

S. 34. To amend Section 1 of Act No. 1237, S. 254, 1975 Regular Session (m. s.), so as to allow service-connected disabled veterans to be exempted from privilege or license tax and registration fee levied on automobiles and motor vehicles; to provide for a refund to persons who purchase their tags before the effective date of this act.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 52. Ways and Means.

S. 100. Ways and Means.

S. 97. Local Government.

S. 35. Ways and Means.

S. 34. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Waldrop:

S. 124. To name a building on Gadsden State Junior College Campus.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 124. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Waldrop:

S. 136. Relating to all counties having a population of 90,000 to 100,000 inhabitants according to the most recent federal decennial census; to provide provisions whereby any local act applying to barber commissions in all such counties can become inoperative; to provide provisions whereby if such act becomes inoperative, the act can be made operative again; to provide the powers of the commission should the local act become inoperative; and to provide for maintaining a contingency fund.

Also:

By Mr. Perloff:

S. 5. Relating to counties having a population of not less than 300,000 nor more than 600,000; providing for the compensation of the presidents of Law Enforcement Associations and the presidents of Firefighters Associations while such presidents are engaged in certain association business.

Also:

By Mr. Noonan:

S. 19. Relating to all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census to authorize the governing body and election officials of those counties which use voting machines which produce printouts that contain all required data regarding registering or recording and computing the vote at all elections to use such printout sheets and to make any required certificates or statements thereon; providing that such shall satisfy the provisions of Alabama Code 1940, Title 17, Chapter 1, Article 7.

Also:

By Mr. Noonan:

S. 21. This bill repeals Act No. 1167, S. 1179 of the Regular Session of the Legislature of 1975, approved October 10, 1975 (m.s.), entitled: "An Act To provide for Supernumerary-Retired Probate Judges in all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census; to prescribe the qualifications, term, duties, powers, authority, compensation and benefits of such supernumeraries; to provide for a Probate Judges Retirement Fund in such counties; to regulate the administration and supervision of said fund and to repeal all conflicting statutes."

Also:

By Mr. Noonan:

S. 24. Providing further for the solemnization of marriages in counties having populations of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; providing for the appointment of a person authorized to solemnize marriages in each such county in addition to those persons now authorized by law to solemnize marriages; prescribing the qualifications, term of office, powers and duties of persons hereby authorized to solemnize marriages; and providing that any charge for a marriage ceremony shall not exceed the amount allowed the probate judge for such ceremony.

Also:

By Mr. McDonald (A):

S. 25. To provide for the appointment of assistant district attorneys in the Twenty-third Judicial Circuit and for a graduated schedule of compensation for assistant district attorneys in the Twenty-third Judicial Circuit.

Also:

By Mr. McDonald (A):

S. 62. To provide that One Thousand ($1,000.00) Dollars shall be transferred each month from the District Attorney's Fund of Madison County into the General Fund of Madison County to help defray the cost of providing parking for petit and grand jurors in said County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MADISON

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide that One Thousand ($1,000.00) Dollars shall be transferred each month from the District Attorney's Fund of Madison County into the General Fund of Madison County to help defray the cost of providing parking for petit and grand jurors in said County.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of One Thousand ($1,000.00) Dollars shall be transferred from the District Attorney's Fund of Madison County into the General Fund of Madison County each month to help defray the cost of providing parking for petit and grand jurors in Madison County.

Section 2. The person having control of the District Attorney's Fund shall, on the first day of each month, issue a warrant for the amount provided in Section 1 of this Act, payable to the General Fund of Madison County or otherwise cause said amount to be transferred from the District Attorney's Fund into the General Fund.

Section 3. All laws or parts of laws, whether general, local or special, which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on July 7, 14, 21 and 29, 1975.

IDA MAE ECHOLS,
Legal Advertising Manager.

Sworn to before me this the 30 day of July, 1975.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 9, 1979.

Also:

By Mr. Stewart:

S. 1. To amend Act No. 425, H. 997, of the Regular Session of the Legislature, 1975, approved on September 18, 1975, which creates an Industrial Development Authority for Calhoun County. To amend Section 1 of said Act, providing for the members of said Authority.

Also:

By Mr. Owen:

S. 76. Relating to all counties having populations of not less than 57,000 nor more than 61,000; providing further for the compensation and expenses of the circuit clerk and register in such counties.

Also:

By Mr. Bank:

S. 9. Relating to the election of members of the county board of education in counties having a population of not less than 18,500 nor more than 20,500 inhabitants according to the most recent federal decennial census, and repealing conflicting laws.

Also:

By Mr. Givhan:

S. 7. Relating to counties having a population of not less than 54,500 nor more than 56,000 according to the most recent federal decennial census; to provide further for the conduct of elections in such counties wherein the use of voting machines has been, or shall be, authorized; to provide that the county governing body in regulating and providing for the use of voting machines in all elections in the county may, in the manner herein prescribed, divide any voting precinct of the county into territories, designate in each territory a voting center at

which the qualified electors of the territory so designated may vote, and prescribe the number of voting machines to be maintained at each voting center; and to provide election officers for each voting center designated by the county governing body, prescribe the duties of such election officers, and fix their compensation.

Also:

By Mr. Baker:

S. 43. To amend Act No. 1159, S. 278 of the 1975 Regular Session, which provides for an additional circuit judgeship in the 38th Judicial Circuit, so as to make the provisions thereof relative to the time of appointment and the term of service of the first additional judge and his successors comply with Section 153 of the Constitution of 1901, as amended, and to correct a clerical error in the Act.

Also:

By Mr. Jones:

S. 147. Relating to all counties having a population of not less than 150,000 nor more than 180,000 inhibitants according to the most recent federal decennial census; to provide that the county commission or other like governing body of such counties shall have the power to levy and collect additional privilege license taxes, excise taxes, ad valorem taxes, and sales and use taxes; provided, however any such tax levied by said governing bodies shall be subject to approval of the majority of the voters in said county in elections called for by said governing board for this purpose; to provide for the disposition of the proceeds of such taxes; and to prohibit the authority to levy and collect such taxes on gross proceeds or occupations.

Also:

By Mr. Torbert:

S. 14. Relating to any county having a population of not less than 35,000 nor more than 38,000 according to the most recent federal decennial census; authorizing the county governing body to provide for the relief of Mrs. Bertha Mae Barber for injuries sustained in an automobile accident due to a defective county road.

Also:

By Mr. Waldrop:

S. 31. Relating to Etowah County, Alabama; levying a privilege license tax upon the sale, use or consumption, distributing, storing or withdrawing from storage, of malt or brewed beverages within Etowah County, providing for the collection and distribution of the proceeds of said tax; providing for the administration of the Act; providing penalties for violations of the Act; repealing conflicting laws, including municipal ordinances; providing that this Act be severable; and providing for the effective date hereof.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Etowah County, Alabama; levying a privilege license tax

upon the sale, use or consumption, distributing, storing or withdrawing from storage, of malt or brewed beverages within Etowah County providing for the collection and distribution of the proceeds of said tax; providing for the administration of the Act; providing penalties for violations of the Act; repealing conflicting laws, including municipal ordinances; providing that this Act be severable; and providing for the effective date hereof.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in Etowah County, Alabama.

Section 2. In lieu of any and all license, privilege or excise taxes heretofore levied by the governing bodies of municipalities located within Etowah County and the Legislature of Alabama, upon the sale, use or consumption, distributing, storing or withdrawing from storage of malt or brewed beverages within Etowah County or any municipalities located therein (including police jurisdictions), there is hereby levied and imposed a privilege license tax of one-half (½ cent) cent on each ounce, or fractional part thereof, of malt of brewed beverages (including draft beer) sold, used, consumed, stored, or withdrawn from storage in Etowah County, to be paid by every person, firm, corporation, co-partnership, club, association, agency, distributor, storer or user of such malt or brewed beverages; provided, that where the amount of the tax levied under the provisions of this Act shall have been paid by any seller, distributor, dealer, storer or user, such payment shall be sufficient, the intent being that the tax levied by this Act shall be paid but once.

Section 3. The proceeds of the tax levied by this Act (less costs of collection) shall be distributed according to the locations to which malt or brewed beverages are delivered for retail sale, as determined by the sworn monthly statements hereinafter required to be filed by each distributor or seller, as follows:

(A) For malt or brewed beverages delivered for retail sale within the city or town limits of a municipality having a board of education, all such proceeds from the ½ cent per ounce privilege license tax shall be distributed according to the following percentages:

20.83 one third per cent (¼ cent per 12 ozs.) to the Etowah County general unit;

20.83 one third per cent (1¼ cent per 12 ozs.) to the city and county boards of education in Etowah County, divided in accordance with the most recent average daily attendance figures, to be used for capital outlay purposes, renovation, and repairs;

58.33 one third per cent (3½ cent per 12 ozs.) to the general fund of the municipality.

(B) For malt or brewed beverages delivery for retail sale outside the City or town limits, but within the police jurisdiction, of a municipality having a board of education, all such proceeds from the ½ cent per ounce privilege license tax shall be distributed according to the following percentages:

12.50 per cent (¾ cent) to the Etowah County Board of Education;

20.83 one third per cent (1¼ cent per 12 ozs.) to the city and county boards of education in Etowah County divided in accordance with the most recent average daily attendance figures, to be used for capital outlay purposes, renovation, and repairs;

29.16 two third per cent (1¾ cent per 12 ozs.) to the general fund of the municipality:

37.50 per cent (2¼ cent) to the Etowah County general fund.

(C) For malt or brewed beverages delivered for retail sale within the city or town limits of a municipality not having a board of education, all such proceeds from the ½ cent per ounce privilege license tax shall be distributed according to the following percentages:

20.83 one third per cent (1¼ cent) to the Etowah County general fund:

20.83 one third per cent (1¼ cent per 12 ozs.) to the city and county boards of education in Etowah County divided in accordance with the most recent average daily attendance figures, to be used for capital outlay purposes, renovation and repairs:

33.33 one third per cent (2 cent per 12 ozs.) to the general fund of the municipality;

25.00 per cent (1½ cent per 12 ozs.) to the Etowah County Board of Education.

(D) For malt or brewed beverages delivered for retail sale outside the city or town limits, but within the police jurisdiction, of a municipality not having a board of education, all such proceeds from the ½ cent per ounce privilege license tax shall be distributed according to the following percentages:

16.66 two third per cent (1 cent per 12 ozs.) to the general fund of the municipality;

20.83 one third per cent (1¼ cent per 12 ozs.) to the city and county boards of education within Etowah County divided in accordance with the most recent average daily attendance figures, to be used for capital outlay purposes, renovation and repairs.

25.00 per cent (1½ cent per 12 ozs.) to the Etowah County Board of Education.

37.50 per cent (2¼ cent per 12 ozs.) to the Etowah County general fund.

(E) For malt or brewed beverages delivered for retail sale outside the city or town limits and outside the police jurisdictions of all municipalities of Etowah County; all such proceeds from the ½ cent per ounce privilege license tax shall be distributed according to the following percentages:

20.83 1/3 per cent (1¼ cents per 12 ozs.) to the city and county boards of education in Etowah County divided in accordance with the most recent average daily attendance with the most recent average daily attendance figures, to be used for capital outlay purposes, renovation, or repairs;

25.00 per cent (1½ cent per 12 ozs.) to the Etowah County Board of Education.

54.16 two third per cent (3¼ cent per 12 ozs.) to the Etowah County general fund.

(F) All proceeds of the tax levied by this Act, less costs of collection, upon the sale, use or consumption, distribution, storing or withdrawing from storage of draft beer in such counties shall be distributed

to the city and county boards of education in such counties, to be divided in accordance with the most recent average daily attendance figures, to be used for capital outlay purposes, renovation and repairs.

(G) All proceeds of the tax levied by this Act, less costs of collection, upon the sale, use or consumption, storing or withdrawing from storage of malt or brewed beverages (including draft beer) shall be distributed to said recipients on a monthly basis. All such proceeds must be distributed on or before the 15th day of the month following the month during which it is determined how such proceeds should be distributed according to the locations to which said beverages are delivered for sale, as determined by the distributors and sellers sworn monthly statements.

Section 4. The privilege license tax authorized herein shall be collected by or under the supervision and control of the county commission, board of revenue, or like governing body of such counties (hereinafter referred to as "the commission"), which shall be solely responsible for the administration of this act. The commission shall provide rules and regulations and administrative machinery for the enforcement and collection of the tax levied, and shall provide for devices for affixing stamped impressions on lids and crowns to be used in evidence of payment of the tax, and provide proper forms requiring sufficient information and proof, to be verified by the oath of any seller, distributor, dealer, storer or other user claiming exemption from payment of the tax on account of purchases made from others who have paid the tax imposed by this act.

Section 5. a) Each and every distributor or seller of malt or brewed beverages shall, on or before the 15th day of the first full calendar month after the effective date of this act, and on or before the 15th day of each calendar month thereafter, file with the commission a written statement, sworn to and subscribed by each distributor or seller, showing the name and address of such distributor or seller, each and every purchase, receipt or procurement of malt or brewed beverages made by such distributor or seller during the calendar month next preceding, together with the name and address of the producer, distributor, seller or other person from whom purchased, received or procured, the brand or brands of such malt or brewed beverages, the quantity of each brand, the size and kind of containers of each brand of such malt or brewed beverages, the date or dates on which purchased, received or procured, and a detailed, itemized statement showing the name and address of each distributor or seller or other person to whom any malt or brewed beverages were sold, distributed or delivered by such distributor or seller, together with the quantity of each brand of malt or brewed beverages sold, distributed or delivered to each, the size and kind of containers for each brand of such malt or brewed beverages and the date or dates on which sold, distributed or delivered.

b) Any distributor or seller failing, refusing or omitting to file the statements herein prescribed shall be guilty of a misdemeanor, and each day such default continues shall constitute a separate offense.

c) In order to enable the commission to make distribution of the net proceeds of the tax as in this act prescribed, each distributor or seller must include in the statement separately the total sales by size of container made within the municipality and the police jurisdiction of each municipality, and the total sales made in the county but outside the police jurisdiction of any municipality. Should there be a continued failure to furnish the statement contemplated by this provision for basis of distribution, the commission is authorized and required to procure, from the records of the delinquent such information as may be procurable therefrom to enable it to make proper distribution of the proceeds of the tax.

Section 6. It shall be unlawful for any distributor or seller to make any sale, distribution or delivery of malt or brewed beverages within the county without first having obtained a permit to do so from the commission and also obtaining a business license from each municipality in which sale, distribution or delivery is to be made; provided however, that nothing contained in this section, or in any other part of this act, shall authorize any sale, distribution or delivery of malt or brewed beverages within the county, if such sale, distribution or delivery is prohibited by any other law of this State.

Section 7. a) It shall be the duty of any person, subject to the privilege license tax imposed by this act to keep full and complete records of all purchases, sales, receipts, inventories and all other matters: from which the correct amount of taxes to which such person is subject may be ascertained; in the event that such person should discontinue his business, he shall not destroy or dispose of such records until he shall have given to the commission thirty days' notice in writing of his intent to destroy or dispose of such records. The commission is authorized to inspect such records and to make copies of such parts of same as it may deem desirable or proper. The failure to keep such records, or destruction without giving the prescribed notice, shall constitute a misdemeanor, punishable in accordance with law.

b) Upon demand by the commission it shall be the duty of any person subject to the privilege license tax imposed by this act to furnish, without delay, all such information as may be required for determination of the correct amount of said taxes to which such person is subject and to that end it shall be the duty of such person to submit to such demanding person. For inspection and examination during reasonable business hours and at such person's place of business, all books of account, invoices, papers, reports, memoranda containing entries showing the amount of purchases, sales, receipts, inventories and any other information from which the correct amount of said taxes to which such person is subject, may be determined including herein the exhibition of bank deposit books and bank statements. Any person failing or refusing to submit such records for such inspection or examination upon lawful demand therefor shall be guilty of a misdemeanor punishable according to law.

c) Should any person subject to the provisions of this act not keep and have in his possession or control correct and detailed books of account, invoices, papers, reports or memoranda correctly showing the data and information necessary for the determination of the correct amount of the privilege license tax due, and the required information as to sales in the several tax-recipient areas; or, if, having the same in possession or under control such person shall fail or refuse to submit and exhibit same for inspection and examination as herein required, then and in that event it shall be the duty of the commission to ascertain from such information and data as he may reasonably obtain the correct amount of taxes due from such person and to assess the same against such person and give to such person notice of such assessment and demand of him immediate payment of the amount thereof. If such amount be not paid within ten days afer receipt of notice and demand for payment, then such failure to pay shall constitute a misdemeanor, and each day of delay in payment shall constitute a separate offense.

d) The taxes shall be paid by each distributor or seller when he buys his decals or other devices from the commission.

Section 8. a) It shall be the duty of the commission to prepare such forms as may be necessary for use by sellers and distributors of malt or brewed beverages in complying with the provisions of this act,

and to furnish the same to such distributors or sellers as they may be required.

b) It shall be the duty of the commission to enforce the provisions of this act, and to that end it is authorized to enter lawfully any premises of any retailer of malt or brewed beverages at any time during the hours in which such retailer is engaged in the business of selling or serving malt or brewed beverages, and to inspect the containers of malt or brewed beverages in the retailer's possession, for the purpose of determining whether or not there be any containers not having affixed the decal or other device contemplated by this act. It shall be lawful also for any police officer or a deputy sheriff to enter lawfully any such retail establishment for the said purpose of inspection and determination of whether or not there be on hand any untaxed malt or brewed beverages.

Section 9. a) Collection of the tax shall be accomplished in this fashion:

The commission shall procure decals or other devices susceptible of being affixed, with measurable permanence, to containers of malt or brewed beverages to be taken from storage, distributed or sold, each of which decals or other devices shall bear in legible characters a notation that it evidences the payment of the taxes levied by this act, and it may procure such forms and other printed matter and materials as may be necessary in the administration of this act. The commission shall deduct from the gross amount of taxes collected, at each tax-distribution period, the cost and expense incurred by it in procuring and furnishing the decals or other devices contemplated by this act, the cost of forms and other material hereinbefore provided for, and all other costs of collection, and shall pay over the remaining amount in accordance with the appropriate foregoing provisions hereof. Decals or other devices shall be furnished by the commission to each seller or distributor of malt or brewed beverages, upon request therefor and payment of the amount of taxes corresponding to the stated value of the decals or other devices that he procures from the commission, less an eight per cent (8 percent) discount, provided, however, that such decals or other devices shall be sold and furnished to wholesalers only. Each distributor or seller must affix to each container of malt or brewed beverages the appropriate decals or other devices before the same is taken from storage, sold or delivered.

b) The amount distributed by the commission to the several recipients of the proceeds of the tax as provided in this act shall be, as to each recipient of the tax, that recipient's proportionate part of the net proceeds of the tax, such net proceeds to be the total amount of taxes collected less the proportionate share of the cost of collection and expenses of administration of this act.

Section 10. Any person, firm, or corporation who violates any provision of this act or the rules and regulations as may be provided by the commission shall be guilty of a misdemeanor and upon conviction shall be punished as prescribed by law. Each month such violation continues shall constitute a separate offense.

Section 11. Any person, firm, or corporation who fails to pay the taxes herein levied within the time prescribed in the rules and regulations set out by the commission shall pay, in addition to the taxes as penalty of ten per cent of the amount of tax, together with interest thereon at the rate of one-half of one per cent per month or fraction thereof, from the date at which the tax herein levied becomes payable, such penalty and interest to be assessed and collected as a part of the tax.

Section 12. All laws or parts of laws in conflict herewith, including municipal ordinances, are repealed. The tax hereby imposed supersedes all previous taxes on malt or brewed beverages relating to Etowah County and all of its municipalities.

Section 13. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. This Act shall become effective on the first day of the first month following its passage and approval by the Governor, or its

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF ETOWAH

Before me, the undersigned authority in and for said County in said State, this day personally appeared Angie Sharp, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Bookkeeper of the The Gadsden Times, a newspaper of general circulation published in Etowah County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Oct. 18, Oct. 19, 26, and Nov. 2, all in the year 1975.

ANGIE SHARP.

Sworn to and subscribed before me Nov. 3, 1975.

PEGGY CULBERSON,
Notary Public.

Also:

By Mr. King:

S. 63. To propose and provide for a home rule charter for Madison County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MADISON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to wit:

A BILL
TO BE ENTITLED
AN ACT

To propose and provide for a home rule charter for Madison County.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon the effective date of this Act, Madison County shall have the right and power to frame, adopt, amend or repeal a home rule charter by the following procedure:

(a) Upon resolution approved by the governing body of the county or upon petition of ten per cent of the number of electors who were qualified to vote in such county in the last general election, file with the governing body and a copy filed with the probate judge, the question of the creation of a commission to frame a home rule charter, or charter amendments, shall be submitted to the electorate not less than forty-five days nor more than ninety days after the filing of the petition at a general election, if one is to be held during such period but if not, at a special election. An affirmative vote of a majority of the electors voting on the question shall authorize the creation of the commission.

(b) The resolution or petition to have a charter commission may include the names of seven commissioners, to be listed at the end of the ballot, so that an affirmative vote on the question is a vote to elect the persons named. Otherwise, the resolution or petition shall designate the method by which the members of the charter commission shall be chosen.

(c) Any proposed charter, or charter amendment, shall be published by the commission and submitted to the electorate not less than forty-five days nor more than ninety days after publication at a general election, if one is to be held during such period, but if not, at a special election. The procedure for publication shall be prescribed by resolution of the charter commission. The governing body of the county shall appropriate money to provide for the reasonable expenses of the commission and for the publication of its proposals.

(d) Any election pursuant to the provisions of this section shall be conducted in the manner provided by law for holding other county elections. The cost of any such election shall be paid out of the general funds.

(e) A home rule charter or charter amendment shall become effective if approved by a majority of the electors voting thereon. The charter may provide for direct submission of charter revisions or amendments initiated by petition or by resolution of the governing body of the county.

(f) An election on the issue of the creation of a charter commission shall not be held at more frequent intervals than every two years.

Section 2. Upon adoption of a home rule charter the county may exercise all legislative powers of government not inconsistent with its charter, the Alabama Constitution, or the general law of the State of Alabama.

Section 3. In the event of conflict between a county ordinance and a municipal ordinance, the municipal ordinance shall prevail within the municipality.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed

at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on October 17, 20, 27, and November 2, 1975.

IDA MAE ECHOLS,
Legal Advertising Manager.

Sworn to before me this the 3 day of November, 1975.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 9, 1979.

Also:

By Mr. King:

S. 64. To propose and provide for a home rule charter for the City of Huntsville.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MADISON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to wit:

A BILL
TO BE ENTITLED
AN ACT

To propose and provide for a home rule charter for the City of Huntsville.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon the effective date of this Act, the City of Huntsville shall have the right and power to frame, adopt, amend or repeal a home rule charter by the following procedure:

(a) Upon resolution approved by the governing body of the municipality or upon petition of ten per cent of the number of electors who were qualified to vote in such municipality in the last municipal election, filed with the governing body and a copy filed with the probate judge, the question of the creation of a commission to frame a home rule charater, or charter amendments, shall be submitted to the electorate not less than forty-five days nor more than ninety days after the filing of the petition at a general election, if one is to be held during such period but if not, at a special election. An affirmative vote of a majority of the electors voting on the question shall authorize the creation of the commission.

(b) The resolution or petition to have a charter commission may include the names of seven commissioners, to be listed at the end of the ballot, so that an affirmative vote on the question is a vote to elect the persons named. Otherwise, the resolution or petition shall designate the method by which the members of the charter commission shall be chosen.

(c) Any proposed charter, or charter amendment, shall be published by the commission and submitted to the electorate not less than forty-five days nor more than ninety days after publication at a general election,

if one is to be held during such period, but if not, at a special election. The procedure for publication shall be prescribed by resolution of the charter commission. The governing body of the municipality shall appropriate money to provide for the reasonable expenses of the commission and for the publication of its proposals.

(d) Any election pursuant to the provisions of this section shall be conducted in the manner provided by law for holding other municipal elections. The cost of any such election shall be paid out of the general funds of the municipality.

(e) A home rule charter or charter amendment shall become effective if approved by a majority of the electors voting thereon. The charter may provide for direct submission of charter revisions or amendments initiated by petition or by resolution of the governing body of the municipality.

(f) An election on the issue of the creation of a charter commission shall not be held at more frequent intervals than every two years.

Section 2. Upon adoption of a home rule charter the City of Huntsville may exercise all legislative power of government not inconsistent with its charter, the Alabama Constitution, or the general law of the State of Alabama.

Section 3. In the event of conflict between a county ordinance, the municipal ordinance shall prevail within the municipality.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on October 17, 20, 27 and November 2, 1975.

IDA MAE ECHOLS,
Legal Advertising Manager.

Sworn to before me this the 3 day of November, 1975.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 9, 1979.

Also:

By Mr. Fine:

S. 79. Relating to Marion County, Alabama, providing for a secretary for the courts of such county, prescribing the means of appointment and removal, the duties and compensation therefor.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that at this session of the Legislature of Alabama a bill substantially as follows will be introduced and application for its passage and enactment will be made, that is to say:

A BILL
TO BE ENTITLED
AN ACT

Relating to Marion County, Alabama, providing for a secretary for the Courts of such county, prescribing the means of appointment and removal, the duties and compensation therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to Marion County, Alabama, only.

Section 2. The presiding judge of the Circuit Court of Marion County, Alabama, may appoint a qualified person to serve as secretary to and for the Courts in Marion County, and shall fix the compensation therefor, which shall not exceed Five hundred dollars ($500.00) per month, such sum to be paid out of the general funds of the county in like manner as the other county employees are paid. In the event the primary source of funds for payment of said court secretary shall become other than the said county, a sum not exceeding the above sum may be paid to said secretary as a supplement.

Section 3. Such secretary shall serve at the pleasure of said presiding judge, and shall perform such secretarial and clerical work as may be prescribed by said judge.

Section 4. Act No. 237, Acts of Alabama (Regular Session 1971) is hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval, or upon its otherwise becoming a law.

STATE OF ALABAMA
MARION COUNTY

Before me, the undersigned authority in and for said State and County, this day personally appeared Roger Quinn of the Marion County Journal, a newspaper published in Hamilton, Marion County, Alabama, which has a general circulation in the county in which it is published, which newspaper has been mailed under the second class mailing privileges for fifty-two consecutive weeks prior to the publication of the legal advertisement, who being by me duly sworn, says that the legal notice, a copy of which is hereto attached, was published in the said Marion County Journal for 4 consecutive weeks. July 10, 1975, July 17, 1975, July 24, 1975, July 31, 1975.

THE MARION COUNTY JOURNAL,
By Roger Quinn.

Sworn and subscribed to before me, This 18th day of August, 1975.

BUDDY HALL,
Notary Public.

McDOWELL LEE,
Secretary.

## SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 136. Local Legislation No. 1.

S. 5. Local Legislation No. 3.

S. 19. Local Legislation No. 3.

S. 21. Local Legislation No. 3.

S. 24. Local Legislation No. 3.

S. 25. Ways and Means.

S. 62. Local Legislation No. 4.

S. 1. Local Legislation No. 1.

S. 76. Local Legislation No. 1.

S. 9. Local Legislation No. 1.

S. 7. Local Legislation No. 1.

S. 43. Ways and Means.

S. 147. Local Legislation No. 4.

S. 14. Local Legislation No. 1.

S. 31. Local Legislation No. 1.

S. 63. Local Legislation No. 4.

S. 64. Local Legislation No. 4.

S. 79. Local Legislation No. 1.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Messrs. Stewart, Mims, Ellis, Noonan, Gilmore, Jones and Givhan.

S. 80. To amend Section 259, subsection (d) of Section 262, Section 263, Section 272, Section 279, Section 283, Section 289, Section 293, Section 299, Section 312, all being of Chapter 5 Title 26, Code of Alabama 1940, as amended, Sections 7, 13, and 17 of Act No. 180, adopted at the 1951 Regular Session of the Legislature of Alabama, as amended, Sections 6, 12, and 16 of Act No. 521, adopted at the 1967 Regular Session of the Legislature of Alabama, as amended, and Sections 6, 12 and 16 of Act No. 668, adopted at the 1971 Regular Session of the Legislature of Alabama, as amended, relating to extraterritorial coverage of employees subject to the workmen's compensation laws of Alabama, providing compulsory coverage for employers who do not regularly employ less than three employees, extending immunity from suit by employees to other employees not acting in supervisory positions for the employer and to Unions and union representatives making safety inspections, defining permanent total disability and extending benefits for permanent total

disability for the duration of the disability, fixing the employer's and the second injury trust fund's liability in the event a second injury produces permanent total disability, permitting credit for the payment of benefits for temporary total disability against the compensation payable for permanent partial disability resulting from an unscheduled injury only, providing for vocational rehabilitation under certain circumstances, establishing the effect of the procurement of gainful employment on permanent total disability benefits, increasing the percentage of a decedent's employee's average weekly wages to which one dependent is entitled, fixing the minimum weekly benefit at 25% of the average weekly wage of the state as determined by the director of industrial relations and the maximum weekly benefit at 66-2/3% of such average weekly wage, and providing for certain periodic changes in the minimum and maximum weekly benefit and the total amount of compensation payable, eliminating any time or dollar limit for compensable medical expenses and giving an employee the right to reject the first two physicians selected by the employer, establishing the effect of the recovery of damages from a third party by an employee suffering a permanent total disability, permitting lump sum payments of compensation with commutation upon approval of the court and by agreement of the parties and amending the acts providing for compensation for occupational pneumonoconiosis, occupational exposure to radiation, and certain occupational disease to make the amendments described above applicable to those acts, all relating to the statutory plan for the compensation of employees for job-related injuries and certain illnesses and diseases.

McDOWELL LEE,
Secretary.

## SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 80. State Administration.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. Shelby and Bank:

S. 81. To amend Sections 6, 15, 16, 17 and 18 of Act No. 183 enacted at the 1975 Third Special Session of the Legislature of Alabama so as to make different provision for the first term of office of any directors of any hospital authority organized under said Act who are elected by the Central Labor Council; so as to delete the reference in said Act to the University of Alabama; so as to revise the provisions of said Act relating to the applicability of the rules and regulations of the State Ethics Commission and to provide that the provisions of Act No. 130 (1975 Regular Session) shall apply to the members of the Board of Directors of any such hospital authority, and to the administrator and the purchasing agent of such hospital; so as to prohibit any such hospital authority from purchasing, or contracting to purchase, any goods or services from any employee of such authority or from the spouse of any such employee; so as to delete the requirement that all purchases, sales and contracts of such hospital authorities be administered in full compliance with Chapters 22 to 24, inclusive, of Title 55 of the Code of Ala-

bama of 1940, and to provide, in lieu thereof, that the competitive bid provisions of Act No. 217 (1967 Special Session), as amended, shall apply to such hospital authorities to the same extent as to other local governmental agencies specifically mentioned therein and that the provisions of Act No. 314 (1969 Regular Session) and relating to insurance on public building contracts or public construction contracts shall be applicable to all such hospital authorities; and so as to revise the provisions of said Act requiring the publication of annual financial statements.

Also:

By Mr. Noonan:

S. 60. To amend Sections 2, 4, 5 and 7 of Act No. 1274, S. 311, Regular Session 1973 (Acts 1973, p. 2164), providing for the preservation, enhancement and development of the coastal areas of Alabama and establishing the Alabama Coastal Area Board so as to provide further for state policy, the activities to which this act shall not apply, the composition, appointments, meetings and functions of the board, and the permit applications.

Also:

By Mr. Mitchell:

S. 138. To amend Act No. 1148, H. 600, Regular Session 1975, relating to the practice of optometry, by removing certain repetitious clauses, renumbering certain sub-paragraphs, and by correcting certain erroneous citations and conflicting paragraphs.

Also:

By Messrs. Givhan, Gilmore and Wilson:

S. 96. To amend Section 4 of Act No. 90, H. 216, 1963 Regular Session [Acts of 1963, p. 474; now appearing in Code of Alabama, Recompiled 1958, Title 37, Section 826 (1)], so as to provide that revenue bonds or notes issued under the said act may be refunded, extended or renewed by other temporary bonds or notes maturing not more than eighteen months from the date of maturity of the temporary bonds or notes then outstanding.

Also:

By Mr. Torbert:

S. 106. To make an appropriation from the general fund in the state treasury to be used by the Alabama Code revision committee named in the State of Alabama's contract with Michie and Bobbs-Merrill Company for the purposes of the contract; namely, revising, digesting and codifying the statutes of the state of a general and permanent nature, and otherwise implementing the adoption and publication of a new code.

McDOWELL LEE,
Secretary.

## SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 81. State Administration.

S. 60. State Administration.

S. 138. Health.

S. 96. Banking.

S. 106. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Stewart:

S. 6. Relating to all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the most recent federal decennial census; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Also:

By Mr. Little:

S. 22. To authorize the city board of education in all cities having a population of not less than 22,000 nor more than 25,000 according to the last or any subsequent federal decennial census to assume responsibility for community education, park and recreation programs.

Also:

By Mr. Little:

S. 20. Relating to all counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the most recent federal decennial census; providing for a public defender to represent indigents in the county District Courts and fixing his salary therefor, in such counties.

Also:

By Messrs. Little and Torbert:

S. 18. To provide for the holding of circuit court anywhere within the county comprising the 37th Judicial Circuit of Alabama.

Also:

By Messrs. Little and Torbert:

S. 17. Relating to the largest city in all counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the most recent or any subsequent federal decennial census; to empower recorders courts in said counties to suspend sentences or grant probation under certain conditions.

Also:

By Mr. Little:

S. 16. Relating to any judicial circuit composed of a county having a population between 60,000 and 65,000 inhabitants according to the most recent or any subsequent federal decennial census; to provide for the

fixing of fees of official court reporters of such judicial circuit to be taxed as court costs.

Also:

By Messrs. Torbert and Little:

S. 15. To provide for supplementing the salaries or compensation paid to retired or supernumerary Circuit Judges in the 37th Judicial Circuit.

Also:

By Mr. Little:

S. 13. To authorize the governing body of any city having a population of not less than 22,000 nor more than 25,000 according to the most recent federal decennial census, to establish a parking authority as a public corporation for the purposes of financing, acquiring, constructing, enlarging, equipping, improving, maintaining, developing, and operating facilities for parking motor vehicles, and related facilities including offices for any such authority, and leasing or letting such buildings, structures or facilities; to authorize such authority to issue bonds of indebtedness, enter into contracts, acquire and dispose of properties to provide that such bonds shall be negotiable instruments; to authorize such authority to exercise all powers, privileges and rights necessary to implement the provisions of this Act; to provide for the dissolution of the authority and the disposition of its property and to repeal all conflicting statutes.

Also:

By Mr. Little:

S. 11. To designate by number the various places upon the governing body, to fix and stagger the terms of office of such places, and to provide for election to each, and to fix the term of office and provide for the election of the Mayor in all cities having a population of not less than 22,000 nor more than 25,000 according to the last or any subsequent federal decennial census.

Also:

By Mr. Baker:

S. 45. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all gasoline taxes levied in such counties, and authorizing said Department to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections.

Also:

By Mr. Waldrop:

S. 32. To create a board of trustees of the policemen and firemen's retirement fund of the City of Gadsden, Alabama to provide for the composition of said board; to provide for a secretary-treasurer of said board and custodial care of such funds; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary,

mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amounts payable to widows or dependents; and to provide appeals from any decision of said board.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF ETOWAH

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To create a board of trustees of the policemen and fireman's retirement fund of the City of Gadsden, Alabama to provide for the composition of said board; to provide for a secretary-treasurer of said board and custodial care of such fund; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amounts payable to widows or dependents; and to provide appeals from any decision of said board.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to the City of Gadsden, Alabama.

Section 2. There is hereby created, in connection with the regularly organized and paid police department and fire department of the City of Gadsden, a board of trustees of the policemen and firemen's retirement fund. Such board shall be known and called the Board of Trustees of the Policemen's and Firemen's Retirement Fund of the City of Gadsden. The board of trustees shall be constituted and selected as hereinafter provided and directed; and in each city to which this act applies there is also created a policemen's and firemen's retirement fund for the benefit of persons hereinafter named, to be derived and raised in the manner hereinafter provided. The policemen's and firemen's retirement fund of the City of Gadsden and the board of trustees of such fund shall, after this act becomes law, be governed by this act, and such fund shall be managed and controlled by a board of trustees conforming to this act.

Section 3. The board of trustees of the policemen's and firemen's retirement fund shall be composed of seven members consisting of the Commissioner of Public Safety of the City of Gadsden who has supervision over the police and fire departments who shall be chairman of the Board of Trustees; the Mayor of the City of Gadsden; the Commissioner of Public Works of the City of Gadsden; the chief of the police department, the chief of the fire department; one first-class patrolman of the police department to be elected for a four year term within thirty (30) days after the enactment of this act by a simple majority vote of the police department; and one first-class fireman to be elected for a four year term within thirty (30) days after the enactment of this act by simple majority vote of the fire department; all of whom shall serve without compensation. In the event of a vacancy in either of the latter two posi-

tions, the successor or successors shall be elected in the same manner within thirty (30) days after the occurrence of such vacancy.

All proposed rules and regulations by the board of trustees necessary to carry into execution the purposes for which it was organized and created shall be posted in all police and fire stations in the City of Gadsden at least ten (10) days before said trustees shall consider or take action either in favor or against said rules and regulations.

Section 4. The board of trustees, if it so elects, and with the approval of the governing body of said city, shall have the power and authority to appoint a secretary-treasurer of said board who shall serve at the pleasure of said board and who shall receive as compensation for his services the sum of twenty-five ($25.00) dollars per month of such other amount of compensation as the board of trustees shall provide by majority vote and shall be approved by the governing body of said city, to be paid on the first day of each month by warrant drawn in like manner as other warrants on such fund. The secretary-treasurer of the board of trustees is hereby made, and it shall be his duty to be the custodian of all monies belonging to the policemen's and firemen's retirement fund, and all monies belonging to such fund, and all money or other property belonging to any similar fund now or hereafter maintained in any city to which this act applies shall be promptly paid to him. The said secretary-treasurer shall also be custodian of all securities and things of value belonging to such fund. The secretary-treasurer shall before taking office, make bond in a sum to be fixed from time to time by resolutions of the governing body of the city, to be approved by the chairman of the board of trustees in a surety company authorized to do business in Alabama for the faithful performance of the duties imposed upon him under this sub-division, and for the faithful accounting of all monies, and things of value which may come into his hands, as such treasurer of such fund, and he shall keep a separate account thereof, which shall at all times show the true condition of such fund. Upon the resignation or removal from office of such secretary-treasurer he shall surrender and deliver up to his successor all bonds, securities, and all unexpended monies or other properties which may have come into his hands as treasurer of such fund. It shall be the duty of the secretary-treasurer of said board to keep, in a book provided for that purpose, a full and complete record of all proceedings of the board of trustees, and he shall perform such other duties as may be assigned to him by the board of trustees.

Notwithstanding anything to the contrary in this act, the board of trustees, with the approval of the governing body of said city, may elect by majority vote to allow any insurance company or financial institution of its choice to exercise custodial care thereof, and make investments with, all monies in said retirement fund; and provided further that any such delegation of custodial care shall not become effective until written notice of such delegation is posted in all police and fire stations of said city, and after (10) days notice thereof an election is held in each of said departments, in which election a simple majority of the contributing members, by secret ballot, vote in favor of such delegation. Custodial care of said retirement fund, if delegated to an insurance company or financial institution, shall obligate the custodian as follows:

1. To accept fiduciary responsibility for said fund.

2. To prepare for the board of trustees, upon demand, a report on the financial condition of said fund.

3. To provide benefits for the members of the policemen's and firemen's retirement fund, as agreed upon by such custodian and the board of trustees of said fund.

Section 5. The board of trustees of the policemen's and firemen's retirement fund is hereby declared to be the trustee of the policemen's and firemen's retirement fund and shall have the exclusive management and control thereof, and all matters legitimately connected therewith. The board of trustees shall have the power to recommend such rules and regulations as may be necessary to enable it effectively and properly to carry into execution the purposes for which it was organized and created, and to enable it properly to manage and conduct the business entrusted to it, provided such rules and regulations shall in no way contravene the provisions of this act; and provided further that such rules and regulations so recommended shall not become effective until written notice of such recommendations is posted in all police and fire stations of said city, and after ten (10) days notice thereof, an election is held in each of said departments, in which election a simple majority of the contributing members in each of said departments, by secret ballot, vote in favor of such recommendations. The board of trustees shall hear and decide all applications for pensions or relief under this act and its decisions shall be final except for an appeal as hereinafter provided. The said board of trustees shall meet whenever the chairman thereof or a majority of the board of trustees shall call a meeting of such board.

This section of the act shall be considered subordinate to Sections 2 and 4 and those sections shall prevail.

1. Upon the recommendation of the Commissioner of Public Safety of the City of Gadsden and with the approval of the governing body of said city by ordinance, charges shall be made as follows and all revenues derived therefrom shall be paid into the policemen's and firemen's retirement fund:

(a) A $5.00 court cost shall be added on all cases resulting in conviction in the recorder's court of said city to which this act applies.

(b) A $3.00 fee shall be charged for all fire reports and forms; and additional $1.50 per picture requested by any insurance firm or individual other than the news media and other fire departments or their representatives shall be charged. Rent and paper for the machine shall be charged to the fund.

(c) A $3.00 fee shall be charged on all identification pictures, report copies, and fingerprints requested from the police department. This fee shall not be charged or collected from law enforcement agencies when obtaining pictures, report copies and fingerprints for use in law enforcement.

(d) All seized or unclaimed property impounded by said city police department to which this act applies and sold after a period of one year, at public auction.

(e) All motor vehicles impounded by said city police department to which this act applies shall have a minimum of $5.00 as impounded fee attached, including a $1.00 per day storage fee to be collected by the city.

(f) All impounded motor vehicles not claimed or transferred back to the owner within 90 days will be auctioned to the public.

(g) Upon approval of said governing body all city facilities, buildings, property and concessions upon availability shall be open to the use of the fire and police department's pension committee to have benefits and other fund raisings at actual cost.

(h) Ten per cent )10 per cent) of the monthly salaries of each member of the police and the fire departments, shall be paid by the city clerk

to the secretary-treasurer of the board of trustees on the first day of each month; and said 10 per cent of such salaries shall be deducted from the salaries paid each member. The governing body of said city to which this act applies shall cause to be paid into the policemen's and firemen's retirement fund, out of the treasury of the city, beginning January 1, 1976, an amount equal to 15.68 per cent of the salary of each member of such police and fire departments who contributes to said fund, and such payment shall be made as and when such salary becomes payable and deduction therefrom is made as provided in this section. After the effective date of this act, the governing body of said city, upon recommendation of the Commissioner of Public Safety, in order to maintain the financial stability of said fund, by ordinance, may increase the contributions by employee and employer into said retirement fund.

(i) The city shall pay an amount equal to 15.68 per cent as long as the police and fire departments are not covered by social security.

(j) In the event the City of Gadsden levies a tax on fire and burglary insurance premiums, the proceeds of such tax shall be earmarked for the policemen's and firemen's pension fund.

(k) The City of Gadsden shall be responsible for the financial stability of said fund, and in order to fulfill that responsibility the city governing body, upon recommendation of the Commissioner of Public Safety, is hereby authorized, by ordinance, to take whatever steps it deems necessary to obtain additional revenue to insure the financial stability of said funds.

Section 6. The policemen's and firemen's retirement fund shall consist of the following:

1. All of the money, securities, and things of value belonging to any similar fund that may now or hereafter be maintained in the City of Gadsden.

2. All monies or properties that may be given or donated to said fund by any persons, firm association, or corporation for the uses and purposes for which said fund is created; and said board may take, by gift, grant, devise, or bequest, any money, personal property, real estate, or any interest therein, or any right of property, for the benefit of said fund.

3. All reward money paid to any member of the police and fire departments of said city shall be paid by the recipients of the same into said retirement fund promptly upon receipt of the same.

4. All civil or criminal witness fees received by any member of the police and fire departments for attendance at or before any court or grand jury in Etowah county wherein the city employing them is located shall be paid into said retirement fund promptly upon the receipt of such fees by the recipients of the same.

5. The city clerk of all cities to which this act applies shall cover into said fund all seizure fees collected by the city in cases involving violation of the prohibition laws since the 1st day of February 1946, and all such fees hereafter collected by the city.

6. Upon the recommendation of the Commissioner of Public Safety of the City of Gadsden and with the approval of the governing body of said city by ordinance, charges shall be made as follows and all revenues derived therefrom shall be paid into the policemen's and firemen's retirement fund:

(a) A $5.00 court cost shall be added on all cases resulting in conviction in the recorder's court of said city to which this act applies.

(b) A $3.00 fee shall be charged for all fire reports and forms; an additional $1.50 per picture requested by any insurance firm or individual other than the news media and other fire departments or their representatives shall be charged. Rent and paper for the machine shall be charged to the fund.

(c) A $3.00 fee shall be charged on all identification pictures, report copies, and fingerprints requested from the police department. This fee shall not be charged or collected from law enforcement agencies when obtaining such pictures, report copies, and fingerprints for use in law enforcement.

(d) All seized or unclaimed property impounded by said city's police department and sold after a period of one year, at public auction.

(e) All motor vehicles impounded by said city's police department shall have a minimum of $5.00 as impounded fee attached, including a $1.00 per day storage fee to be collected by the city.

(f) All impounded motor vehicles not claimed or transferred back to the owner within 90 days will be auctioned to the public.

(g) Upon approval of said governing body all city facilities, buildings, property and concessions upon availability shall be open to the use of the fire and police departments' pension committee to have benefits and other fund raisings at actual cost.

(h) Ten percent (10 percent) of the monthly salaries of each member of such police and fire departments, which shall be paid by the city clerk to the secretary-treasurer of said board of trustees on the first day of each month; and said 10 per cent of such salaries shall be deducted from said salaries paid each member. The governing body of the said city to which this act applies shall cause to be paid into the policemen's and firemen's retirement fund, out of the treasury of the city, beginning January 1, 1976, an amount equal to 15.68 per cent of the salary of each member of such police and fire department who contributes to said fund, and such payment shall be made as and when such salary becomes payable and deduction therefrom is made as provided in this section. After recommendation of the Commissioner of Public Safety, in order to maintain the financial stability of said fund, by ordinance, may increase the contributions by employee and employer into said retirement fund.

(i) The city shall pay an amount equal to 15.68 per cent as long as the police and fire departments are not covered by social security.

(j) In the event the City of Gadsden levies a tax on fire and burglary insurance premiums, the proceeds of such tax shall be earmarked for the policemen's and firemen's pension fund.

(k) The City of Gadsden shall be responsible for the financial stability of said fund, and in order to fulfill that responsibility the city governing body, upon recommendation at the Commissioner of Public Safety, is hereby authorized, by ordinance, to take whatever step it deems necessary to obtain additional revenue to insure the financial stability of said funds.

Existing funds and property belonging to or part of any existing similar fund in said city to which this act applies and hereby brought under this act shall be hereafter governed by the provisions of this act,

shall be held and administered, used and governed, and transferred and covered into the policemen's and firemen's retirement fund as provided herein, immediately upon this law becoming effective.

Section 7. The board of trustees of the policemen's and firemen's retirement fund may, at any time, with the approval of the governing body of said city employing such policemen and firemen, after considering the probable demands upon such fund in the near future, determine what portion of such fund may be safely withdrawn for investment for revenue purposes, and having determined what portion thereof shall be so withdrawn for that purpose, said board of trustees shall then determine in what manner such investment shall be made, and all proceedings of said board of trustees relating thereto shall be entered at length upon its records. Such investment shall only be by purchase of the interest bearing bonds of the United States of America, or in any stock, security, investment, or deposit which is guaranteed by the United States Government or any of its instrumentalities; provided, however, the board may by majority vote elect to invest up to forty percent (40 percent) of the total assets of the pension fund in such classes of bonds, mortgages, common and preferred stock or other investments as are allowed by the laws of Alabama to domestic life insurance companies, or by a majority vote of policemen and firemen up to 100 percent of said fund may be invested in any sound financial institution to include insurance companies or bank or trust companies. All income from such investments saall be and become a part of said policemen's and firemen's retirement fund. All such securities shall be deposited with the secretary-treasurer of the board of trustees, and shall be subject to the management and control of said board of trustees of the policemen's and firemen's retirement fund.

This section of the act shall be considered subordinate to Section 4 and Section 4 shall prevail.

Section 8. The board of trustees or custodian of funds designated by said board shall make a monthly report to the governing body of said city employing such policemen and firemen concerning the condition of such policemen's and firemen's retirement fund. The said board of trustees shall keep minutes of every meeting in a well bound book designed for that purpose which said minute book shall be available to any contributing member of said police department or fire department on his request. Each six months said board of trustees shall post in a conspicious place in each police station and each fire station in said city a statement itemizing all receipts, disbursements, expenditures and pensions paid by said board for the preceding six (6) months period, stating in detail the source of such receipts, and to whom all such expenditures, disbursements and pension payments were made, together with the amount of each. All such records shall be available to any contributing member at any time upon request.

Section 9. All monies ordered to be paid from such policemen's and firemen's retirement fund shall be paid by the secretary-treasurer of such fund only upon warrants signed by the chairman of such board of trustees and countersigned by one associate member of such board of trustees and by the secretary-treasurer; and no warrant shall be drawn on such fund except by order of the board of trustees, which shall be duly and regularly entered in the record of the proceedings of the board of trustees. Any monies wrongfully paid from such fund shall be charged against the members of said board of trustees.

This section of the act shall be subordinate to Section 4 and Section 4 shall prevail.

Section 10. No portion of the said policemen's and firemen's retirement fund shall, before or after its order for distribution by the board of trustees to the person or persons entitled thereto under the provisions of this sub-division, be held, seized, taken, subjected to, detained, or levied upon, by virtue of any attachment, garnishment, execution, injunction, writ, order, decree or any other process whatsoever, issued out of or by any court of this state, for the payment or satisfaction, in whole or in part, of any debt, damage, demand, claim, judgment or decree, against any beneficiary of such fund, but shall be exempt therefrom. Said fund shall be sacredly kept, held and distributed for the purposes named in this subdivision, and for no other purpose whatsoever.

Section 11. If at any time there shall not be sufficient money in the policemen's and firemen's retirement fund to pay each person entitled to the benefit thereof, the full amount per month as herein provided or any time the principal of the fund reaches an amount of $700,000 or less, then an equal percentage of such monthly payment or payments shall be made to each beneficiary until the said fund shall be replenished to warrant the payment in full to each of the said beneficiaries; provided that the provisions of this section concerning prorated payments shall not be interpreted to include those members drawing survivors benefits and those members of said fund who are one-hundred percent disabled and have no other personal income except those benefits derived from the provisions of this act. The board of trustees, or insurance custodian as provided for in this act, is authorized to take such action as it deems necessary periodically to determine the actuarial status of the pension fund.

Section 12. 1. In order to preserve the financial integrity of said pension fund, the Board of Trustees, if it deems necessary, shall have the authority to prorate those benefits received by said members who retired before, on, or after October 1, 1975 as follows:

(a) Excluding retirement benefits and interest received from personal bank accounts, those members who report personal gross income on federal income tax returns in excess of $10,000 a year may have their benefits reduced by thirty percent.

(b) Excluding retirement benefits and interest received from personal bank accounts, those members who report personal gross income on federal income tax returns in excess of $7,500 but less than $10,000 a year may have their benefits reduced by twenty percent.

(c) Excluding retirement benefits and interest received from personal bank accounts, those members who report personal gross income on federal income tax returns in excess of $5,000 but less than $7,500 may have their benefits reduced by ten percent.

Provided that the provisions of this section concerning prorated payments shall not be interpreted to include those members drawing survivors benefits and those members of said fund who are one-hundred percent disabled and have no other personal income except those benefits derived from the provisions of this act.

The Board of Trustees shall have the power to do whatever is necessary and proper to enforce the provisions of Section 12, Subsection 1.

2. No person retired after October 1, 1975 under the policemen's and firemen's retirement fund can be reemployed full time by the City of Gadsden in any department, State of Alabama, any county or municipality therein, political subdivision, Board of Education (state or local) or any institution supported in whole or part by government funds (local, state or federal), without first having signed an agreement forfeiting his or

her pension benefits during the time of reemployment. For purposes of this act, full time employment means twenty (20) hours or more per week. Benefits shall be resumed upon termination of employment. In no instance shall the benefits lost during the time of reemployment be recovered by said person. The provisions of this Section shall not be interpreted to include those members drawing survivor's benefits.

3. Any member of the police and fire department of a city to which this act applies who has been in continuous service thereof for as long as twenty years, upon written application to the board of trustees, therefore shall, without medical examination or disability, be retired from service in such department and upon such retirement the board of trustees shall direct the payment to such retired member, monthly from such fund the amount hereinafter provided for his or her particular position, office, salary, or class of work. However, any member of such police or fire department who has become a new employee as of October 1, 1975, must serve a mandatory thirty (30) years consecutive service before receiving retirement benefits. Also, any person employed on or before June 1, 1975, who will have served twenty-five (25) years effective June 1, 1980, may then retire at 55 percent of his or her salary not to exceed $5,000.00 per year. Also, any person employed on or before June 1, 1975, who will have served thirty (30) consecutive years effective June 1, 1985, may then retire at 60 percent of his or her salary not to exceed $6,000.00 per year. In no instance however, may any employee be eligible to retire at 55 percent of his or her salary not to exceed $5,000.00 per year until or unless on June 1, 1980, he or she shall have then already served twenty-five (25) consecutive years in such police or fire departments, and in no instance, however, may any employee be eligible to retire at 60 percent of his or her salary not to exceed $6,000.00 per year until or unless on June 1, 1985, he or she shall have then already served thirty (30) consecutive years. Each rank must be held three years before retirement. Any person having met the requirements for retiring under this Section must undergo a moratorium period of ninety (90) days before receiving any monthly payment of benefits.

4. All members retiring before the twenty-fifth (25) anniversary date must undergo a moratorium period of at least one full year before receiving any monthly payment of benefits unless the board feels that for reasons of mental or physical disability or some similar tragic circumstances, this requirement could be waived.

5. All members employed prior to June 1, 1975 who retire before the twenty-fifth (25) anniversary date shall undergo a moratorium period of at least one full year before receiving any monthly payment of benefits unless the board feels that for reasons of mental or physical disability or some similar tragic circumstance, this requirement could be waived.

Section 13. 1. The board of trustees shall have the power and authority and it is hereby made mandatory that it shall retire from service in the police and fire departments of any city to which this act applies any members thereof, who has attained the age of sixty-five (65) years, and the said board of trustees shall direct the payment to such retired member, monthly, from said fund, the amount of money hereinafter provided for his, or her, particular position, office, salary, or class of work.

Section 14. Except as otherwise provided in this subdivision each member who has been or who hereafter is retired shall receive a retirement benefit equal to fifty per centum of the salary received at the date of his retirement.

Provided, further, each member who retires after twenty years consecutive service shall ninety days after retirement (unless retired at age 65 or later or for reasons of disability) be paid a retirement benefit of 50 percent of the salary he or she was receiving at the time of retirement. Each member who retires after having served twenty-five consecutive years and whose retirement commences on or after June 1, 1980, shall be paid a retirement benefit of 55 percent of the salary (not to exceed $5,000.00) he or she was receiving at the time of retirement - effective date June 1, 1980. Each member who retires after having served thirty consecutive years and whose retirement commences on or after June 1, 1985, shall be paid a retirement benefit of 60 percent of the salary (not to exceed $6,000.00) he or she was receiving at the time of retirement effective June 1, 1985. This section supercedes any subdivision of the law which may be in conflict herewith. In no instance, however, shall any retired member or survivor be entitled to receive an adjustment monetarily to his, or to her retirement benefit, which he or she is now receiving.

Provided, further, that retired personnel shall, if six of the seven trustees approve, receive, ninety (90) days after the approval, up to a maximum of 20 percent of any increase in salary accorded active members.

Section 15. If any member of the police or fire department of a city to which this act applies is, on proper application, found by the board of trustees to be physically or mentally permanently disabled so as to render him or her unable to fulfill the duties of his or her particular position, or job, the board of trustees shall order and direct, the payment of the proper amount of money as prescribed in this Act, after said board of trustees has directed, or approved the retirement of a physically or mentally disabled member.

Section 16. 1. If a person applies for disability, he or she must undergo an examination by two doctors named by the board of trustees and one of his or her choice. Application for disability retirement must suggest name of one member of panel of doctors to examine the applicant to determine disability and the trustees shall select one and if any dispute, may select a third. After any member of such police or fire department shall have retired upon pension by reason of disability, the said board of trustees shall have the right and authority, at any time, to cause such retired member to be brought before the city physician and two (2) other physicians or surgeons, the retired member having the choice of bringing or selecting either his or her own personal physician, total number of physicians not to exceed the above mentioned number of three. The retired member shall be examined by the above named physicians to determine whether such disability yet continues, and the findings of the three physicians shall determine whether the retired disabled member is capable of returning to active job status. If the findings of the physicians are such that they affirm that the retired disabled member is capable to carry on active job status, then this retired disabled member shall be immediately stricken from the pension roll by the board of trustees, and be immediately notified to return to work in, and to, the respective department from whence he, or she, was retired. If after proper notification, such retired member fails to return to work, after a period of thirty days, or fails to show just cause, either through the courts, or other means, then the person shall forfeit his, or her, right to reinstatement with said city police or fire departments whichever.

2. The board of trustees, when questioned whether a person is legally drawing monies from said pension fund, must, within thirty days appoint a five (5) member investigating committee from the ranks of

the police and fire departments, said committee shall return such investigative findings in writing to a meeting of the board of trustees who shall notify the orginal petitioner of the meeting and request his or her presence.

Section 17. If any active member of such police or fire department, or any member of such department on official leave of absence from such department and in the armed forces of the United States, shall die from any cause whatever, leaving a widow or widower, said board shall direct the payment from said fund, to said widow or widower, of a sum equal to fifty percent of the amount specified in this act to be paid to a retired fireman or policeman of the same rank as such deceased member at the time of his or her death, said monthly payments to continue to such widow or widower during his or her natural life and while unmarried. Should such deceased member leave no surviving widow or widower, but leave surviving him or her a child or children under eighteen years of age, the board of trustees shall direct the payment monthly from such fund, until such child or children shall have attained the age of eighteen years, of a sum equal to fifty percent of the amount specified in this act to be paid to a retired fireman or policeman of the same rank as such deceased member at the time of his or her death, to the person having control and custody of such child or children or to such other person as the board of trustees shall direct, said sum to be expended by such person for the benefit of such child or children as may be prescribed by the board of trustees.

Section 18. If any retired member of such police or fire department shall die from any cause, leaving a widow or widower, said board shall direct the continuation, from the date of such death of fifty percent of the monthly retirement payments of such deceased retired member to be paid to such widow or widower of such deceased retired member during his or her natural life while unmarried. Should such deceased retired member leave no widow or widower surviving him or her, but leave surviving him or her a child or children under eighteen years of age, the board of trustees shall direct the payment monthly from such fund, until such child or children shall have attained the age of eighteen years, of a sum equal to fifty percent of the monthly retirement payments of such deceased retired member to the person having control and custody of such child or children or to some other person as the board of trustees shall direct, said sum to be expended by such person for the benefit of such child or children as may be prescribed by the board of trustees.

Section 19. When the widow or widower, or children of any active or retired member of the police or fire departments shall be entitled to benefits under this subdivision, such widow or widower, or children, shall make or cause to be made an application to the board of trustees through the secretary-treasurer of such board which shall show, in the case of the widow or widower, proof of the marriage of the deceased to the claimant, by marriage certificate or other competent evidence, and the ages of such children shall be shown by birth certificate or other competent evidence. All such applications and proofs shall be kept and retained in the custody of the said board of trustees.

Section 20. If any employee terminates his or her employment before becoming eligible for retirement benefits, such employee shall receive a lump sum payment from the board of trustees, within 90 days after filing a written application with said board, said lump sum payment to be based on the following scale:

(A) From 0 to and including the 5th year said employee will receive 100 percent of all amounts he or she has contributed to said fund.

(B) From 6 to and including the 10th year said employee will receive 100 percent of all amounts he or she has contributed plus an amount equal to 1 percent per year of employment contributed by the City of Gadsden.

(C) From 11 to and including 20th year said employee will receive 100 percent of all amount he or she has contributed plus amount equal to 2 percent per year of employment contributed by the City of Gadsden.

The above provisions shall apply to only those employees employed before June 1, 1975.

Section 21. No member of said police department or fire department, who is not now contributing to said retirement fund, shall be entitled to participate in said retirement fund, or required to make contributions thereto, unless at the time he qualifies therefore he may be not less than twenty-one (21) years of age and not more than thirty-five (35) years of age, establish by an examination of him by a duly licensed and practicing physician that he is physically and mentally sound, and establish by examination of duly licensed and qualified specialists that his vision, hearing and heart are in good physical condition.

Section 22. The term "member of such police department" shall include chief of police, assistant chiefs of police, chief of detectives, captain of police, lieutenants of police, sergeants of police, identifications officers, superintendent of identification, lieutenant of detectives, patrolmen and any full time, regularly employed and compensated, bonded and sworn peace officer under the direct supervision of the chief of police of the city. The term "member of such fire department" shall include the following in said department: chief, assistant chiefs, captains, lieutenants, mechanics, drivers, firemen, fire marshall or fire inspector, drill master or instructor, division or battalion chiefs, superintendent of fire alarm systems, and any full time, regularly employed and compensated, officer or employee engaged in fire fighting under the direct supervision of the chief of said fire department. No other officer, employee or person shall be eligible to participate in said retirement fund, notwithstanding the provisions of any civil service law, state statute, city ordinance or rules and regulations of said board.

Section 23. There shall be kept by the secretary-treasurer of the board of trustees a book to be known as the list of retired policemen or firemen. Such book shall also give a full and complete history and record of the action of the said board of trustees in retiring any and all persons under this subdivision, showing the names, date or entering the service of such police or fire department, date of retirement and the reason for such retirement, if any.

Section 24. It shall be the duty of the city attorney or such assistant city attorney as may be designated by the board of commissioners or other governing body of the city to give advice to the said board of trustees in all matters pertaining to the duties of the said board of trustees and the management of such fund, whenever requested to do so, and he shall represent and defend the said board of trustees as its attorney in all suits and actions at law or in equity that may be brought against it, and in all suits and actions in its behalf that may be required or determined upon by said board of trustees. Such city attorney shall serve as such attorney of the board of trustees without compensation additional to the salary paid him as such city attorney.

Section 25. The board of trustees shall be authorized to pay out of such fund all reasonable and necessary expenses including cost of bond herein provided for that may be incurred by it in and about the manage-

ment and administration of such fund; provided that in no event shall the members of said board of trustees receive any salary of compensation for their services out of said fund.

Section 26. Within ten (10) days after any final decision of the board of trustees, any contributing member including the governing body of such city, feeling aggrieved at the decision of the board of trustees may appeal from any such decision to the circuit court of the county in which such city is located and such appeal shall be heard by a judge sitting without a jury. Upon the filing of any such appeal, notice thereof shall be served upon any member of the board of trustees by the appellant. Such appeal shall be heard by the court at the earliest possible date, and it shall not be necessary on any such appeal to enter exceptions to the rulings of the board of trustees and no bond shall be required for such an appeal and such an appeal shall be effected by filing a notice and request therefor by the appellant with the clerk of said court. An appeal may be taken from any decision of such court to the court of appeals or the supreme court as now provided by law.

Section 27. The provisions of this act shall supercede all existing provisions of law, general or local relating to the policemen's and firemen's retirement fund of any city to which this act applies, and any such fund existing at the time of the passage of this act is hereby transferred to and made a part of the retirement fund created in this act. All other laws, or parts of laws, in conflict herewith are hereby expressly repealed.

Section 28. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 29. All laws or parts of laws, general or local, which conflict with this act are hereby repealed.

Section 30. This act shall take effect upon its passage and approval by the Governor or its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF ETOWAH

Before me, the undersigned authority in and for said County in said State, this day personally appeared Angie Sharp, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Bookkeeper of the Gadsden Times, a newspaper of general circulation published in Etowah County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Oct. 18, Oct. 19, Oct. 26 and Nov. 2, all in the year 1975.

ANGIE SHARP.

Sworn to and subscribed before me Nov. 3, 1975.

PEGGY CULBERSON,
Notary Public.

Also:

By Mr. Waldrop:

S. 28. To provide that Etowah County construct, repair, and maintain all county roads on the basis of the county as a unit without regard

to district or beat lines; to designate the duty of the county governing body to employ a county engineer and the qualifications for said engineer; to fix and designate the duties, powers and authority of said county engineer, and to fix the amount of his bond, provide for the approval of same and payment of premiums thereon; to provide for the fixing of a scale of wages and salaries; to designate the county engineer as the person to make requisitions for road supplies and equipment; to designate the county engineer as custodian of all tools, machinery, supplies, and equipment relating to roads in Etowah County; to provide for the setting aside of road funds by the county commission; provide penalties for violation of said Act; and for the expenditure of the same; to provide for emergencies; to repeal all laws in conflict with this Act.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF ETOWAH

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide that Etowah County construct, repair, and maintain all county roads on the basis of the county as a unit without regard to district or beat lines; to designate the duty of the county governing body to employ a county engineer and the qualifications for said engineer; to fix and designate the duties, powers and authority of said county engineer, and to fix the amount of his bond, provide for the approval of same and payment of premiums thereon; to provide for the fixing of a scale of wages and salaries to designate the county engineer as the person to make requisitions for road supplies and equipment; to designate the county engineer as custodian of all tools, machinery, supplies, and equipment relating to roads in Etowah County; to provide for the setting aside of road funds by the county commission; provide penalties for violation of said act; and for the expenditure of the same; to provide for emergencies; to repeal all laws in conflict with this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. County roads in Etowah County shall be constructed, repaired, and maintained as a unit without regard to district or beat lines.

Section 2. The County governing body shall possess original and unlimited jurisdiction and authority respecting county roads and bridges within Etowah County.

Section 3. The jurisdiction and authority of the county governing body respecting roads and bridges shall not be delegated to nor exercised by any member of the governing body individually; such jurisdiction and authority shall be exercised solely by the governing body in joint session and by instructions to the county engineer appointed by and serving at the pleasure of the county governing body.

Section 4. The county engineer, whose salary shall be fixed by the county governing body, shall hold no other office or employment and shall devote his entire time to the duties of his office. He shall be qualified to practice engineering and surveying in Alabama and shall have had no

less than three years experience in the construction and maintenance of highways and shall possess all of the qualifications as specified for County Engineers under the General Laws of the State of Alabama. Said County Engineer shall be appointed by the County Commission from a nomination made by the State Highway Director. If said nomination is not acceptable to said Commission the State Highway Director shall be requested to make additional nominations, should the State Highway Director refuse, or fail to make nominations, the Commission may fill the positions of County Engineer with any person who has the qualifications herein set out.

Section 5. It shall be the duty of the said County Engineer, (1) to employ, supervise and direct all such assistants as are necessary to properly maintain and construct the public roads, highways, and bridges of Etowah County, and he shall have employees for cause, or when not needed, subject to the approval of the county commission; (2) To perform such engineering and surveying services as may be required, and to prepare and maintain the necessary maps and records; (3) to maintain the necessary accounting records to reflect the cost of the County Highway system; (4) to build, or construct new roads and change old roads, but only when ordered to so by proper order of the County Commission; (5) It shall be his further duty to construct and maintain all county roads on the basis of the County as a unit, without regard to any district or beat lines.

Section 6. The said County Engineer is hereby designated as the person authorized to make written requisition upon the County Commission, or its duly designated purchasing agency, for all articles, materials, supplies and the equipment necessary for the maintenance and construction of roads, bridges, and highways in Etowah County.

Section 7. It shall be the duty of the County Commission to fix, from time to time, in accordance with prevailing economic conditions, the various scale of wages or salaries to be paid for labor necessary in the maintenance and construction of said roads, bridges, and highways, and said wages or salary scale shall not be exceeded by said engineer in the employment of labor and assistants.

Section 8. Before entering upon his duties, the said County Engineer shall make and enter into a surety bond in the amount of ten thousand ($10,000) Dollars, payable to Etowah County, conditioned for the faithful discharge and performance of his duties as such engineer, and for the faithful accounting of all monies or property of said County which may come into his possession or custody; said bond to be executed by a surety company authorized and qualified to do business in Alabama, and to be approved by the Chairman of the County Commission; the premiums therein shall be paid by the County.

Section 9. The County Commission shall furnish the County Engineer with an office at the Court House, or elsewhere, at the County seat, and all necessary office supplies, and shall furnish him with necessary transportation in connection with his duties under this Act.

Section 10. The County Engineer shall be the custodian of all road tools machinery, supplies and equipment of Etowah County, and he shall be accountable for the same, at all times. The County Commission shall furnish the necessary storage facilities in which to keep said tools, machinery, supplies and equipment, and the County Engineer shall keep on files in his office at all times, an up to date inventory, containing a list of all said tools, machinery, equipment and supplies belonging to Etowah County.

Section 11. The authority of said County Engineer shall be limited to the expenditure of such funds for the purpose of construction, maintenance, or repairs of public roads, bridges, and highways of Etowah County as may be set aside and appropriated by the County Commission, as hereinafter provided; it shall be the duty of said County Commission at some meeting in September of each calendar year, or not later than the first meeting in October following, by order or resolution spread upon the minutes, to fix and determine the amount of funds which will be available for the purpose of building, maintaining and constructing public roads, bridges and highways of Etowah County for the current fiscal year, beginning October 1st, which said County Engineer and his necessary expenses, shall not be exceeded by him in building, maintaining and constructing public roads, bridges and highways in Etowah County during said period; provided however, that said County Commission is authorized, from time to time within any such period, to increase the amount so allowed to be expended by said County Engineer during said period, when such authorization will not conflict with provisions of the General Law under the Budget Act Title 12, Section 74, of the Code of Alabama as recompiled 1958. And, provided, further that if such funds are presently available, and have not heretofore been set aside by the present County Commission of Etowah County.

Section 12. The County Engineer shall make written requisition to the Chairman of the County Commission for all materials, machinery, equipment, and necessary supplies needed for the construction, maintenance, or repair of the public roads, bridges, and highways of Etowah County. Said requisition shall be filed and presented by the Chairman to the Commission at its next meeting for the approval of the Commission.

Upon approval of said Commission, the County Purchasing Agent shall purchase such materials, machinery, equipment, and necessary supplies as provided for in Section 13, Act 432 or Act 829, Acts of Alabama, 1975 Regular Session.

Section 13. It shall be the further duty of the County Engineer to inspect all materials, machinery, equipment, and supplies, purchased by Etowah County for use on public roads, bridges, and highways, when the same is delivered, and the same shall not be accepted and paid for without first having been approved by him.

Sec. 14. The County Engineer, Road Supervisor, and Chairman and Associate Members of the Etowah County Commission, any member of their family, any dependents, or any relatives related either by blood or marriage in the third degree shall not do any business with Etowah County.

The County Engineer, Road Supervisor, and or Chairman and Associate Members of the Etowah County Commission shall not accept anything of value, including a gift, favor or service, bribe or kickback, based on any understanding that the official actions, services, and or decisions of said officials or employees would be influenced thereby or where it could be reasonably be inferred that the thing of value would influence such person(s) in the discharge of his (their) duties. Expenses associated with food afforded such officials or employees when such expenses are in an amount of less than one-hundred dollars ($100.00) per year shall not be deemed a thing of value within the meaning of this section or prohibited hereby.

Any person who violates any provision of this section (14) and is found guilty shall be removed from office or position of employment,

fined not more than ten-thousand dollars ($10,000.00) or be imprisoned for not more than ten (10) years or both.

Section 15. In the event that the County Commission determines that it is not practical for the County Commission to employ an Engineer, as hereinabove provided for, then, in that event the County Commission shall employ a competent Road Supervisor who need not be an engineer, but when so employed, he shall have all the duties and authority of said Engineer, and be subject to the provisions of this Act; it being the intention of this Act to provide that, when the county roads are to be maintained or constructed in said County, the supervision thereof shall be either under a County Engineer, as hereinabove provided for, or, by a Road Supervisor, who is not a member of the County Commission.

Section 16. It shall be the further duty of each member of the County Commission to inspect the roads of his district from time to time, and hear the suggestions and complaints of the citizens, and report the same to the County Commission with his recommendations; to advise with the County Engineer concerning the problems of his district, particularly; and to assist in securing rights-of-way, and assist in public relations generally.

Section 17. All laws and parts of laws, in conflict with the provisions of this Act are hereby repealed. In no way is it intended by the Legislature of Alabama that this Act shall repeal any provision of Act 432 or Act 829, Acts of Alabama, 1975 Regular Session (Etowah County Budget Control Act of 1975).

Section 18. Should any section, clause, or part of this Act, be declared invalid it shall not affect any other part thereof.

Section 19. This Act shall become effective on October 1, 1976.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF ETOWAH

Before me, the undersigned authority in and for said County in said State, this day personally appeared Angie Sharp, who being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Bookkeeper of the The Gadsden Times, a newspaper of general circulation published in Etowah County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Oct. 18, Oct. 19, Oct. 26, and Nov. 2, all in the year 197—.

ANGIE SHARP.

Sworn to and subscribed before me Nov. 3, 1975.

PEGGY CULBERSON,
Notary Public.

Also:

By Mr. Waldrop:

S. 12. To amend Section 1 of Act No. 626, H. 815, approved September 8, 1967 (Acts of Alabama, Organizational Special Regular Session 1967, Volume 2, Page 1430), an act entitled "To provide clerical assistance to the Circuit Clerk, Probate Judge, Tax Assessor, Tax Col-

lector, Register in Chancery, County Judge and Sheriff of Cherokee County, Alabama, to provide for the selection, employment and discharging of such assistants, to fix their compensation and provide for the payment therefor out of the county funds", so as to include in paragraph 1 of said Section 1 the Office of the Deputy Solicitor; to repeal Act No. 197, H. 214, Special Session 1967 (Acts 1967, P. 243), as amended.

With notice and proof thereto attached and herewith exhibited as follows:

1. PUBLIC NOTICE

NOTICE OF LOCAL BILL

NOTICE is hereby given that the following local bill, or substance thereof, will be introduced at the present or next session of the Legislature of Alabama, and application for passage of said local bill be made in such session of the Legislature.

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 1 of Act No. 626, H. 815, approved September 8, 1967 (Acts of Alabama, Organizational Special Regular Session 1967, Volume 2, Page 1430), an act entitled "To provide clerical assistance to the Circuit Clerk, Probate Judge, Tax Assessor, Tax Collector, Register in Chancery, County Judge and Sheriff of Cherokee County, Alabama, to provide for the selection, employment and discharging of such assistants, to fix their compensation and provide for the payment therefor out of the county funds", so as to include in paragraph 1 of said Section 1 the Office of the Deputy Solicitor; to repeal Act No. 197, H. 214, Special Session 1967 (Acts 1967, P. 243), as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 626, H. 815, approved September 8, 1967, is hereby amended to read as follows: "The Board of Revenue or other like Governing Body of Cherokee County, Alabama, is required, authorized, and empowered to provide sufficient clerks, deputies and assistants to the following named officers of Cherokee County, Alabama: Circuit Clerk, Probate Judge, Tax Assessor, Tax Collector, Register in Chancery, County Judge, Sheriff and Deputy Solicitor.

Each of the foregoing named officers shall select their respective clerks, deputies and other assistants and shall fix their compensation subject to the prior approval of the Board of Revenue or other like Governing body of Cherokee County, Alabama.

Each of the foregoing named officers shall have the right to discharge their respective clerks, deputies and assistants at will. The salary or compensation of each of the clerks, deputies and assistants shall be paid in equal monthly installments out of the General Fund of Cherokee County, Alabama, upon separate Warrants drawn in the same manner as other employees of Cherokee County, Alabama, are paid.

Section 2. Act No. 197, H, 214, Special Session 1967 (Acts 1967, P. 243) as amended, is hereby expressly repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
COUNTY OF CHEROKEE

Before me, Gail Wynn a Notary Public in and for said county in said state personally appeared Joe M. Shaw, Jr., who, being by me first duly sworn, deposes and says that he is publisher of the Cherokee County Herald, a newspaper published in the City of Centre, Alabama, in Cherokee County, Alabama; that the attached is a true, correct and complete copy of Notice of Local Bill as published in said newspaper once a week for 3 consecutive weeks, beginning on the 25th day of June, 1975, that said newspaper has been so published in said town for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication and has a general circulation in said city and county; and that said newspaper has been entered as second class mail matter in the United States Post Office in said city for a period of more than fifty-two (52) consecutive weeks prior to the date of said publication.

JOE SHAW, JR.

Sworn to and subscribed before me this 3rd day of Nov., 1975.

GAIL WYNN,
Notary Public.

Also:

By Mr. Waldrop:

S. 2. To create a civil service board for the City of Gadsden, Alabama, providing for the composition of the board and terms of office, providing for the appointment of police and fire chiefs in such cities and prescribing their duties, providing for a grievance procedure for discharge, and providing for promotions of fire and police personnel.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF ETOWAH

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

SYNOPSIS: This bill creates a civil service board for the City of Gadsden, Alabama.

A BILL
TO BE ENTITLED
AN ACT

To create a civil service board for the City of Gadsden, Alabama, providing for the composition of the board and terms of office, providing for the appointment of police and fire chiefs in such cities and prescribing their duties, providing for a grievance procedure for discharge, and providing for promotions of fire and police personnel.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to the City of Gadsden, Alabama.

Section 2. All members of the police department and the fire department and the chiefs of such departments in the City of Gadsden, Alabama shall be governed by the civil service board as hereinafter provided.

Section 3. The following words and phrases, when used in this act, unless a different meaning is plainly recorded by the context shall have the following meanings:

1. The words "members of the police department" shall include all officers, patrolmen, detectives, wardens, the clerk of the police court, and the clerk or secretary of the chief of police.

2. The words "members of the fire department" shall include the assistant chiefs of the fire department, captains, lieutenants, engineers, assistant engineers, and firemen, and all others who are regularly carried on the payroll of such fire department, except hostlers and helpers, and others as such board may find and designate to properly be such members, respectively.

3. The word "patrolman" shall mean and apply to all motorcycle officers, drivers of automobiles used by the police department, and all other members of the police department below the grade of sergeant but shall not include detectives.

4. The word "board" shall mean and apply to all members of the City of Gadsden Civil Service Board.

Section 4. Members of the Board and Term of Office.

The board shall consist of five (5) members to be designated as follows: The President of the Gadsden Metro Chamber of Commerce, the President of the Etowah County Bar Association, the President of the Gadsden AFL-CIO Labor Council, one member to be appointed, upon the recommendation of the Commissioner of Public Safety for the City of Gadsden, by the majority vote of the Gadsden City Commission, and one member to be appointed by a joint majority vote of the members of the City of Gadsden Police and Fire Departments. Each member, once elected president of his or her respective organization, shall serve on the board for a three year term and shall begin upon the expiration of the respective terms of office of the present board members. The President of the Gadsden Metro Chamber of Commerce shall take office upon the expiration of the term of Charles Paler whose term expires on June 30, 1976; the President of the Etowah County Bar Association shall take office upon the expiration of the term of Curtis Wright whose term expires on June 30, 1977; and the President of the Gadsden AFL-CIO Labor Council shall take office upon the expiration of the term of Jack Williams whose term expires June 30, 1978. In the event one of the before mentioned presidents is not a natural resident and qualified voter of city to which this act applies, the appointment shall follow the line of succession in said organization until a certified successor is found. The two additional members provided by this act shall both begin their three-year terms of office on January 1, 1976. Persons in the following categories may not be appointed by either the city commission or the members of the City police or fire departments:

1. A former member of the city commission.

2. Any person holding any office of profit under the city, county or state.

3. Any person who is not a natural resident and qualified voter of the city.

4. Any person related by blood or marriage within the fourth degree to any member of the city commission or any present employee of the city police or fire department at the time of appointment.

5. A former member of either the city police or fire department.

Section 5. Appointment of Police and Fire Chief. Immediately upon the death, resignation, retirement, or removal otherwise by the Gadsden Civil Service Board of the present police and-or fire chief(s), the board shall furnish to the Gadsden Commissioner of Public Safety a list of three names standing highest on the eligible list for the office of police chief, and-or a list of three names standing highest on the eligible list for the office of the chief of the fire department. The ranking of those eligible for promotion shall be in accordance with the provisions of this act hereinafter stated in Section 14. The Gadsden Commissioner of Public Safety shall choose from the lists furnished him one person to serve as chief of the fire department, and-or one person to serve as chief of the police department, provided that the commissioner is hereby prohibited from appointing any person whose name is not submitted by the board. The Gadsden Commissioner of Public Safety shall be responsible for the formulation of public policy that will be in the best interest of the safety and general welfare of the citizens of the city, and each chief selected shall be responsible to said commissioner for the carrying out of that policy. The chief of each respective department so selected or appointed shall serve a probationary period from the time of selection or appointment for a period of six (6) months, and if said Commissioner during said time is of the opinion that the chief of each respective department so selected or appointed is not faithfully executing his duties in carrying out said policy, said Commissioner is hereby given the authority to remove or discharge such chief, provided, however, in the event of removal or discharge during said probationary time, the chief so discharged or removed shall be reinstated in the position previously occupied in said department before assuming the duties of chief, and shall be given credit for time served as chief towards any rights that may accure for seniority and retirement benefits. In the event of removal or discharge during the stated probationary time, said Commissioner shall appoint or select from the list previously furnished by the board a replacement to the chief so removed or discharged. After the expiration of the six month period, the appointment or selection shall become final, and said Commissioner cannot remove or discharge said chief without the approval or consent of the board. In the event of discharge or removal after the expiration of the six months period, the chief so removed or discharged shall have the same rights as given the members of the police and fire departments in Section 11.

Section 6. Duties of Police and Fire Chief.

The duties of the chief of the fire department and the chief of the police department shall have the overall responsibility for the efficient operation of each respective department. In order to carry out said responsibility the chief of each respective department is hereby given the authority to remove, discharge, demote, or discipline as reasonable under the circumstances, any employee or member of said department who is subject to the provisions of this act, provided, however, that such removal, discharge, demotion, or disciplinary action is based on one or more of the grounds set forth in Sections 9 and 10 of this act, and provided further, that such action meets with the consent and approval of the board. In the event the employee or member is discharged, removed, demoted, or

disciplined, then such employe or member shall have the right to present his case before the board, and, if necessary, appeal the decision of the board all as outlined in Sections 11 and 12 of this act.

Section 7. Limit on Rules to be Enacted by the Board. The board shall not adopt any rules for the carrying out of the provisions of this act except the board may fix the times for its regular meetings, and may hold special or adjourned or called meetings at any time. Otherwise, the board shall be bound by the provisions of this act in making a determination of each issue or issue presented to it.

A majority of the members of the board shall constitute a quorum for transaction of business'. All meetings of the board shall be held in the city hall and the board shall keep minutes of its meetings and a record of all business transacted by it, and said records shall be open for inspection by any resident of the city at reasonable times.

Section 8. Oath of Office.

Every person who becomes a member of the board under the provisions of this act shall within fifteen days thereafter qualify by making oath that he is eligible for said office and will execute the duties of same according to his best knowledge and ability. Such oath shall be administered by any person authorized to administer such oaths, or by any member of the city commission, and a copy thereof filed with the city clerk.

Section 9. Grounds for Removal, Discharge, Demotion, or Any Other Type or Kind of Reasonable Disciplinary Action of Any Employee or Member of the Fire Department.

Any member or employee of the fire department of the city who shall be guilty of any one or more of the following offenses shall be subject to discharge, removal, demotion, or any other type or kind of reasonable disciplinary action as determined by the chief of said department with the consent and approval of the board:

(a) Absence without leave

(b) Neglect of Duty

(c) Incompetency or inefficiency in the service

(d) Disobedience of any lawful rule, order or direction of his superior, or refusal to obey such rule, order or direction

(e) Intoxication while on duty

(f) Conduct unbecoming an officer or employee of the city

(g) Insubordination

(h) Using profane, coarse, abusive, or disrespectful language to the public or to any officer or employee of the city

(i) Disorderly conduct while on or off duty

(j) Any criminal act

(k) Shaking dice, card playing, or gambling with any instrument or device for money or any article of value

(l) Allowing women of questionable character around quarters

(m) Refusing or neglecting to pay any just and honest debts

(n) Being under the influence of drugs not medically prescribed

Section 10. Grounds for Removal, Discharge, Demotion or Any Other Type or Kind of Disciplinary Action as Determined by the Chief of the Police Department With the Consent and Approval of the Board of Members and Employees of the Police Department.

Any member of the city police department who shall be guilty of any one or more of the following offenses shall be subject to removal, discharge, demotion, reprimand, suspension, forfeiture of pay, or any other type or kind of disciplinary action as determined by the chief of said department with the consent and approval of the board:

(1) Cowardice. Failure to support fellow officer in performance of duties or leave scene where crime is being committed.

(2) Willful disobedience of rules or orders.

(3) Being under the influence of liquor.

(4) Drinking any kind of intoxicating liquor while on duty.

(5) Willful maltreatment of a prisoner or any other person.

(6) Conduct unbecoming a police officer.

(7) Insubordination or disrespect towards a superior officer.

(8) Neglect of Duty.

(9) Inattention to duty.

(10) General Incompetency.

(11) Sleeping on duty.

(12) Lounging on post.

(13) Being absent from duty without permission.

(14) Absent from post without proper reason.

(15) Using coarse, profane or insolent language to a superior officer or to any member of the department or to a citizen.

(16) Not properly patroling or guarding a post.

(17) Making a false statement.

(18) Neglecting to wear proper uniform while on duty.

(19) Receiving bribes in money or other valuable items.

(20) Receiving or accepting any fee, reward or gift of any kind from any person arrested or from any friend in his behalf while in custody, or from any person for services rendered or pretended to be rendered as a member of the department.

(21) Gossiping about a member of the department concerning his personal character or conduct to the detriment of such member.

(22) Publicly criticizing orders given by a superior officer.

(23) Communicating or giving police information to any person concerning the business of the department to the detriment of the department.

(24) Communicating any information which may aid a person to

escape, or to delay the apprehension of a criminal, or secure the removal of stolen or embezzled goods or other property or money.

(25) Refusing to give number of badge, or name when requested.

(26) Neglecting to furnish persons arrested with a receipt for all personal property taken from them.

(27) Neglecting to turn all property taken from persons arrested, or found, or seized, to the proper officer without unnecessary delay.

(28) Ignorance of rules or orders.

(29) Using a revolver except in extreme cases.

(30) Being under the influence of drugs not medically prescribed.

Section 11. Procedure in Event a Party is Aggrieved at Any Action or Decision Pertaining to Removal, Discharge, Demotion, or Any Other Type or Kind of Disciplinary Action.

In the event the chief of the police department, the chief of the fire department, provided said chiefs have served out a six months probationary period as chief, or any other member or employee of the police departments as defined herein is removed, discharged, demoted, or in any other manner disciplined, the aggrieved party is hereby given the authority to file a written notice with the board of such grievance, provided, however, such written notice is filed within five days from the date of the order of discharge, removal, demotion, or any other type or kind of disciplinary action. The board shall perform an investigation within 60 days of the receipt of the grievance. Within five days of the completion of the investigation, a hearing shall take place, and the chairman of the board shall notify the parties involved of the date of a public hearing at which time each side will be given an opportunity to present its case. The chief of each respective department shall have the authority to suspend any member in said department pending said public hearing. At such hearing, the legal rules of evidence shall not be binding and same shall be held informally for the purpose of arriving at a just decision. At all proceedings before the board, the city attorney may appear and represent the interest of the city when ordered to do so by the board. Any attorney secured by the person or persons making the charge or accusation shall be allowed to represent the prosecution and any attorney secured by the accused shall be allowed to represent the accused. Any person may be served with a subpoena to appear and testify, or to produce books and papers relevant to such investigation before the board, such subpoena to be issued as subpoenas are now issued and provided for in the circuit courts in this state; and anyone who shall refuse or neglect to appear and testify or produce such books and papers relevant to such investigation as commanded in such subpoena, shall be guilty of a misdemeanor, and punished as misdemeanors are punished in the State of Alabama. The fees for witnesses for attendance and travel shall be the same as fees for witnesses before the circuit courts of this state and shall be paid from the treasury of the city if affected. After hearing the evidence, the decision of Board shall be given in writing to the accused, and shall be spread on the minutes.

Section 12. Appeals from Decisions from Board.

An appeal may be taken from any decision of the board in the following manner: Within ten days after any final decision of such board, any party, including the governing body of the city, feeling aggrieved at the decision of the board, may appeal from any such decision to the circuit court of the county. Upon the filing of any such appeal notice thereof

shall be served upon any member of the board, and a copy of said notice shall be served upon the appellee or his attorney, by the appellant. Such appeal shall be heard at the earliest possible date by the court sitting without a jury unless a jury is demanded by the appellant at the time of filing his notice of appeal or by the appellee within ten days after notice of appeal has been served upon him. In event either party demands a jury as provided above, the appeal shall be heard at the next regular jury term of court and shall have priority over all other cases. No bonds shall be required for such an appeal and such an appeal shall be effected by filing a notice and request therefor by the appellant upon any member of the board and upon the appellee as herein provided for above and also by filing a notice and request for an appeal with the clerk of the circuit court. It shall not be necessary to enter exceptions to the rulings of the board, and the hearing of the appeal shall be a trial de novo. An appeal may be taken from any judgment of the circuit court to the court of appeals or the supreme court as now provided by law.

Section 13. Applications for Positions. Examinations:

All applicants for a place or position on the police force or fire department, as the case may be, shall file their application in writing with the board, said applications to be on the blank forms furnished by the board, and all applicants must be subject to examination, which shall be public, competitive, and open to all citizens of the United States regardless of sex, race, color, creed, or previous condition of servitude, with specified limitations as to age, residence, health, habits and moral character. No person shall be eligible to take said examination who is not a citizen of the United States, or who has ever been convicted of a felony, or who does not possess good moral character. Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to intelligently discharge the duties of the position to which they aspire.

The board shall control all examinations, and whenever an examination is to take place, shall conduct such examination. Every application for examination shall pay to the city clerk the sum of ten dollars ($10.00) and the receipt thereof shall be attached to his application.

Section 14. Procedure in the Event of Vacancies. The chief of police, as far as such police department be concerned, and the chief of the fire department, as far as such fire department is concerned, shall notify the board within five days of the occurrence of any vacancy in the ranks of patrolmen, or firemen, respectively, and the board shall furnish the respective chiefs with the name and address, or names and addresses, of the candidate or candidates standing highest on the eligible list, and same shall receive the appointment or appointments to fill such vacancy or vacancies. All appointments shall be on probation for a period of six months from date of taking office (such appointments include officers and chief). Before the expiration of probation, the chiefs of the fire and police departments, respectively, may with the consent of the board, discharge any probationer in his respective department upon assigning in writing his reasons therefor to the board. If a probationer be not discharged before the expiration of his probation, his appointment shall be deemed complete and final. Candidates for chief of the police and fire department shall meet the following qualifications:

a. Minimum rank of lieutenant in the particular department.

b. Minimum of twelve years service.

c. Three years service in an administrative and/or supervisory capacity.

d. Must be one of the three names standing highest on the eligibility list, as submitted by the board to the City of Gadsden Commissioner of Public Safety.

e. The fire chief appointee shall have had at least 200 hours of classroom and/or fire ground training.

f. The police chief appointee shall have a two year degree or above in law enforcement in an accredited institution and/or be a graduate of a recognized police academy.

Promotions to fill vacancies or new jobs shall be filled on the basis of seniority under the following conditions:

1. Competency being equal, seniority shall prevail in the police and fire departments each considered as a separate department for the purpose of seniority. In determining competency the following factors shall be considered:

(a) Ability to perform the work as determined by written test results

(b) Physical fitness and suitability

(c) Past record with the department

(d) Character and moral standing of the applicant.

2. Only where the foregoing factors are relatively equal shall seniority be the determining factor in promotions.

The board shall require that examinations for promotion be held at least once a year, and the board shall be responsible for publishing the eligibility list at least once each year.

Section 15. Emergency Appointment.

The board may, in an emergency, or in cases where it deems proper, authorize the chief of police to appoint for temporary service such number of police officers as in the opinion of the board of commissioners of the city the existing conditions demand. All officers so appointed shall be furnished with badges, said badge to be different in size and design from the regulation badges used by the regular members of the police and detective force, and must have the words "special officer" across the face of them in large letters. The chief of police shall furnish the board with the names and addresses of all persons to whom he has issued special badges, and at the expiration of their appointment shall cause all such badges to be taken up. It shall be unlawful for any person to have in his possession any such commission or any badge of a police officer of such cities unless same has been issued to him by the board.

Section 16. Seniority to Prevail in Shift Changes in Police Department.

Seniority shall prevail as to shift changes in the divisions of various departments in the police department as follows:

A. Uniformed Patrol Department.

1. Patrolmen considered as a division.

2. Sergeant considered as a division.

3. Desk Sergeants considered a division.

4. Lieutenant considered as a division.

5. Captain considered as a division.

B. Traffic Department

1. Patrolmen considered as a division.

2. Sergeant considered as a division.

3. Lieutenant considered as a division.

4. Captain considered as a division.

C. Detective Bureau

1. Detective considered as a division.

2. Vice Squad considered as a division.

3. Lieutenant of detectives considered as a division.

4. Chief of detectives considered as a division.

The following personnel shall be exempt from the above provisions and shall be assigned to shifts by the chief of police for the convenience of the public and general efficiency of the police department:

1. Record Clerk

2. Secretary to the Chief of Police

3. Superintendent of Identification

4. Meter Repair Specialist

5. Recorder Court Sergeant

6. Traffic Court Clerk

7. Radio Operator

8. Motorcycle Officers.

Section 17. Promotions.

A. The chief of police and the chief of fire department, shall from the membership of their respective departments, recommend for promotion to the civil service board members, such persons or persons who have qualified themselves by passing a promotional examination administered by the members of the said civil service board. There will be a total number of one hundred twenty-five (125) questions asked on said examinations. A passing grade will be 70% of total answers answered correctly out of the one hundred and twenty-five. A score less than 70% of the total answers answered will be a failure of the examination. The promotional examinations for all ranks in the police department will be taken from the contents of the city code concerning law enforcement on crimes and offenses. The State of Alabama code concerning law enforcement on crimes and offenses and those rules and regulations governing the city police department. As the case may be for the city fire department members examination, those rules and regulations governing the overall operation of the fire department, the city code concerning the fire department, fire prevention rules and regulations, equipment, tools and apparatus.

B. Those members of the police department and the fire department

who have become eligible for promotion from being examined by the above rules must have served one (1) year in his present rank before being considered further.

C. Every applicant for examination shall pay to the city clerk the sum of two dollars ($2.00) and the receipt thereof shall be attached to his application.

D. No member of the police department or the fire department will be "double promoted" except in the case of the police and fire chiefs, that is, no member shall jump the line of rank from sergeant, or in the case of the fire department, driver, lieutenant, captain, assistant chief to chief of the respective department.

E. The chief of police, or in the case of the fire department, the chief of fire department in their departments respectfully, will follow the above rules of this section for promotions to assistant chief. The chief of police, or in the case of the fire department, the chief of fire department will recommend to the civil service board, the name of the captain standing highest in his application for assistant chief promotion. If all qualifications and interviews are equal seniority shall prevail for promotion.

F. In order to be eligible to take the promotional examination for sergeant or detective in the police department, a patrolman must have had a minimum of one year of service.

To be eligible for the lieutenant examination one must first be promoted to a sergeant or detective.

To be eligible for the captain examination one must first be promoted to a lieutenant.

To be eligible for the assistant chief examination one must first be promoted to a captain.

G. In order to be eligible to take the promotional examination for driver, one must have had a minimum of one year of service as a fire fighter.

To be eligible for the lieutenant examination one must first be promoted to a driver.

To be eligible for the captain examination one must first be promoted to a lieutenant.

To be eligible for the assistant chief examination one must first be promoted to a captain.

H. The qualifications for chief of the fire or police departments are listed supra, in Section 13 a, b, and c of this act.

Section 18. Credit for Previous Service.

All members of the police department and fire department shall be given credit for all accumulated seniority for previous service up to the effective date of this provision, except that periods of interruptions shall not be take into account in determining length of service. All future accumulated seniority shall be added to his or her past seniority which will determine total seniority. If a member of the police department or fire department is discharged for cause or resigns his or her position with the department and at a later date is reemployed, he or she shall begin as a new employee, for seniority purposes.

The police chief and the fire chief shall canvass all records of the departments concerned and make an accounting of each member's seniority standing and post a list on the bulletin board or furnish each member a copy of the entire department concerned. Once a year a review shall be made of the seniority list and brought up to date.

Section 19. Temporary Transfers.

Relative to temporary transfers from the fire department or police department.

A. That any person transferred out of the police or fire department to any other job not subject to the civil service act shall cease to be subject to the civil service act as of the date of the transfer.

B. Any temporary transfer to a job outside the police or fire department shall cease to be subject to the civil service act and jurisdiction of the board, but shall be permitted to return to his job in the police or fire department without loss of any rights if he returns within 120 days of said change or transfer.

C. To be temporary, such transfers shall not exceed a period of ninety (90) days in any one calendar year.

D. Any person now occupying such temporary position outside the department may exercise his right to return to his position in the police or fire department within ninety (90) days of the date of this rule, without loss of any rights.

Section 20. Charges By Other Persons.

Charges may also be preferred by any citizen or other person against any member of the fire or police department. Such charges must conform to the foregoing rules and be in writing and verified by affidavit, and two copies of such charges together with a list of the names and addresses of the prosecutor's witnesses must be filed with the board. Charges not conforming to the foregoing rules will not be considered by the board.

Section 21. Solicitation of Political Contributions Prohibited.

No officer or employee of any police or fire department shall solicit orally or by letter or otherwise, or receive or be in any manner concerned in soliciting or receiving any assessment or subscription or contribution for any candidate, political party or political purpose whatsoever, provided however, that this section shall only apply to City of Gadsden elections, and State of Alabama elections where state constitutional officers and members of the Legislature are elected.

No officer or other member of the police or fire departments, or any other person, shall in any wise undertake or threaten to degrade, discharge or promote, or in any manner change the offical rank or pay of any officer or employee, or promise to threaten to do so, for giving, or withholding or neglecting to make any contribution of money or valuable thing for any party or for any political purpose whatsoever. No employee of the police or fire department shall receive any promotion as a regard for his support of any candidate or political party. No employee of either department shall be reduced in rank or pay as punishment for his failure to support any candidate for political office.

Any person in the service of the city by appointment who shall willfully or through culpable negligence, violate any of the provisions of this Section and who shall be found guilty after a trial before the

board, shall be dismissed from the service of the city, and shall not be subject to reappointment for two years. Any officer or employee of the city other than those holding office under the civil service rules who shall willfully or through culpable negligence, violate any of the provisions of this section shall be guilty of a misdemeanor, and on conviction shall be fined a sum not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00), unless same be otherwise provided therein, and the office so held by such person, by force of such conviction shall be rendered vacant, and such persons shall not again be allowed to hold any office or place of employment under the city thereafter for two (2) years. Any other person who shall willfully, or through culpable negligence violate any of the provisions of this section shall be guilty of a misdemeanor, and shall on conviction be punished by a fine in the sum of not less than fifty dollars ($50.00) and not exceeding five hundred dollars ($500.00).

Section 22. Bond Required.

No applicant for a position on the police force who has fulfulled all other requirements of this act and been appointed to a position as a member of the city police department shall enter upon the discharge and performance of his duties as a member of such police department until he has filed with the city clerk a bond conditioned according to the law relating to official bonds, in the following penal sums; chief of police, assistant chief of police, and all other members of the police departments one thousand dollars ($1,000.00) each. Unless such bond is furnished by such appointee as above prescribed, within ten days from the date he is appointed by the board his appointment shall be vacated by said board unless said board for good cause shown shall grant said appointee additional time not to exceed ten additional days within which to procure the execution of such bond and file same; the bonds of such officers shall be paid for by the city employing them.

Section 23. Compensation to be Paid Members of Board.

Each member of the board shall be entitled to the total sum of $25.00 each time said board meets for the purpose of transacting business, said sum to be paid from the city general fund.

Section 24. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 25. All laws or parts of laws which conflict with this act are repealed.

Section 26. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF ETOWAH

Before me, the undersigned authority in and for said County in said State, this day personally appeared Angie Sharp, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Bookkeeper of the The Gadsden Times, a newspaper of general circulation published in Etowah County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having

appeared in the issues of said paper on Oct. 18, Oct. 19, Oct. 26, and Nov. 2, all in the year 19—.

ANGIE SHARP.

Sworn to and subscribed before me Nov. 3, 1975.

PEGGY CULBERSON,
Notary Public.

Also:

By Mr. Baker:

S. 46. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all severance taxes on coal levied by any such county; authorizing said Department of Revenue to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections.

Also:

By Mr. McMillan:

S. 26. To make the provisions of Chapter 5, Title 26, of the 1940 Code of Alabama, as now or hereafter amended, inapplicable to all cities having a population of 250,000 or more, to any park board of such cities, to the boards and agencies authorized by such cities, and to the employees of any such city, board or agency.

McDOWELL LEE,
Secretary.

## SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 6. Local Legislation No. 1.

S. 22. Local Legislation No. 1.

S. 20. Local Legislation No. 1.

S. 18. Local Government.

S. 17. Local Legislation No. 1.

S. 16. Local Legislation No. 1.

S. 15. Ways and Means.

S. 13. Local Legislation No. 1.

S. 11. Local Legislation No. 1.

S. 45. Local Legislation No. 1.

S. 32. Local Legislation No. 1.

S. 28. Local Legislation No. 1.

S. 12. Local Legislation No. 1.

S. 2. Local Legislation No. 1.

S. 46. Local Legislation No. 1.

S. 26. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 13. COMMENDING REVEREND W. M. REEVES UPON HIS RETIREMENT.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs.: Fine, Adams, Baker, Bank, Clemon, Edwards, Ellis, Flippo, Foshee, Gilmore, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop and Wilson.

S. J. R. 15. COMMENDING GENERAL JAMES TAYLOR HARDIN FOR HIS OUTSTANDING CAREER IN THE MILITARY.

WHEREAS General James Taylor Hardin retired June 9, 1975 after 35 years in active and reserve duty; and

WHEREAS General Taylor Hardin's inquiring and astute mind, coupled with keen perception and a rare sense of values so necessary in his position, have made his services particularly valuable; and

WHEREAS General Hardin holds many awards from the States of Alabama and Mississippi and from the Federal Government; and

WHEREAS Taylor Hardin served as President of the Alabama National Guard Association three times; and

WHEREAS in June of 1975 General Hardin was commissioned by the Governor to the grade of Commanding General in the Alabama Army National Guard. He is the only one to hold the rank of Commanding General; and

WHEREAS General Hardin has exhibited throughout his long career those admirable attributes of friendliness, devotion to duty, and concern for his fellowman; and

WHEREAS this legislature would like to pay tribute to this great but humble man who has made significant and lasting contributions to the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend General James Taylor Hardin for his long military career and wish him

success in his new position as Commanding General of the Governor's personal Military Staff.

RESOLVED FURTHER, That a copy of this resolution be sent to General Hardin.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Robertson, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 15, set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Manley:

H. R. 33. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, that when the House adjourns today it will adjourn to meet again on Thursday, November 6, 1975, at 2:00 P.M.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 33, was adopted.

Also:

By Mr. McCluskey:

H. J. R. 34. WHEREAS, The Department of Public Safety for many years has maintained and operated in the Sylacauga Division of the Talladega County Courthouse an office for the purpose of administering driver's license examination serving the entire Sylacauga area of Talladega County, which represents a population of 40,000, and;

WHEREAS, This service has been and is deemed a vital necessity for the citizens of said Sylacauga area, and;

WHEREAS, It has come to the attention of citizens in the Sylacauga area that the Department of Public Safety is considering abolishing the said office for testing applicants for issuance of driver's license.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That the director of the Department of Public Safety is hereby requested to continue the operation of this office and in the Courthouse of the Sylacauga Division in Talladega County as a convenience and necessity for the citizens thereof.

On motion of Mr. McCluskey, the rules were suspended and the resolution, H. J. R. 34, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and send same herewith to the House for its consideration:

By Mr. Fine:

S. J. R. 13. CREATING A JOINT INTERIM COMMITTEE TO STUDY THE MANAGEMENT AND EFFICIENCY OF THE DEPARTMENT OF EDUCATION.

WHEREAS, there has been much controversy surrounding the management and efficiency of the department of education; and

WHEREAS, questions have been raised as to whether or not the department of education is utilizing the best principles of management and efficiency in administering the educational program for the citizens of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to be composed of three members of the Senate and four members of the House to be appointed by the presiding officer of the respective houses. The membership of the committee shall elect from among its membership a chairman and vice chairman. The committee shall investigate and study all facets of the department of education to determine the areas of any mismanagement and inefficiency existing therein, and shall make recommendations necessary to assure that the operation of the department of education is based on the best principles of sound management and efficiency. The superintendent of the state department of education shall cooperate with said committee in its work and shall furnish such information and recommendations as shall be required by said committee; and the examiners of public accounts shall furnish such personnel and studies to assist the committee in its work. The committee shall report in writing its findings, conclusions and recommendations to the Legislature not later than the 5th legislative day of the next regular session, whereupon the committee shall be dissolved.

Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the Legislature, on warrants drawn on the State comptroller upon requisition signed by the committee's chairman.

McDOWELL LEE,
Secretary.

## SENATE MESSAGE

On motion of Mr. Robertson, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 13, set out in the above and foregoing Message from the Senate.

## RESOLUTIONS

The following resolutions were introduced:

By Mr. Starkey:

H. J. R. 35. REGARDING THE ALLOCATION OF CERTAIN VOCATIONAL TEACHER UNITS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in the passage of the Special Educational Trust Fund Appropriation bill, viz: the Substitute for H. B. 9, it is the intent and purpose of the legislature that in addition to all other teacher units allocated to Jackson County that two vocational agricultural teacher units be allocated to North Sand Mountain High School and two vocational agricultural teacher units be allocated to Skyline High School.

BE IT FURTHER RESOLVED, That the intent, purpose and di-

rective of this resolution be carried out by the proper education authorities.

On motion of Mr. Starkey, the rules were suspended and the resolution, H. J. R. 35, was adopted.

Also:

By Mr. Warren:

H. J. R. 36. CONGRATULATING JAMES A. POWELL FOR HIS ELECTION AS CONECUH COUNTY'S TEACHER OF THE YEAR.

WHEREAS, James A. Powell, a native of Tuscaloosa County, has been elected Conecuh County's Teacher of the Year and thereby placing him in contention for state and national honors; and

WHEREAS, James A. Powell has taught in the public schools of Alabama for more than 27 years; and

WHEREAS, James A. Powell is a member of county, state and national Vocational Education Associations, member of the Board of Directors of the County Teachers Federal Credit Union, member of the City Recreation Board and member of the Bi-Racial Committee; and

WHEREAS, James A. Powell has received many honors and awards, including Honorary N. F. A. Modern Farmer Degree, Plaque from State Supervisor of Vocational Education and pins for 22 and 26 years continuous service to the state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it extends congratulations to James A. Powell for his election as Conecuh County's Teacher of the Year.

On motion of Mr. Warren, the rules were suspended and the resolution, H. J. R. 36, was adopted.

Also:

By Mr. Warren:

H. J. R. 37. COMMENDING MRS. ROBERT G. KENDALL, JR. FOR HER WORK WITH THE CHRISTMAS SEAL CAMPAIGN IN CONECUH COUNTY.

WHEREAS, Mrs. Robert G. Kendall, Jr. is presently serving as Chairman of the Conecuh County Chapter of the Alabama Lung Association; and

WHEREAS, Mrs. Robert G. Kendall, showing outstanding leadership, has guided the Conecuh County Annual Christmas Seal Drive for thirteen straight years during which they exceeded the quota for their county; and

WHEREAS, under the leadership of Mrs. Robert G. Kendall, Conecuh County was the first county to reach its quota in the annual drive in 1974; and

WHEREAS, Mrs. Robert G. Kendall received the coveted Orchid Award from the Alabama Lung Association at its 1975 annual meeting in Mobile in recognition of her outstanding work; and

WHEREAS, Mrs. Robert G. Kendall has been a leader in the fight against tuberculosis and other pulmonary diseases; and

WHEREAS, Mrs. Robert G. Kendall represents her county on the Central Alabama Board and has served on the Executive Committee of the Alabama Lung Association; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Mrs. Robert G. Kendall for her qualities of leadership.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Robert G. Kendall.

On motion of Mr. Warren, the rules were suspended and the resolution, H. J. R. 37, was adopted.

Also:

By Messrs. McMillan and Kinsey:

H. J. R. 38. CREATING A CITIZEN'S STUDY COMMITTEE TO DETERMINE WHETHER THE ROADS AND BRIDGES IN BALDWIN COUNTY SHOULD REMAIN UNDER THE SUPERVISION OF THE STATE HIGHWAY DEPARTMENT.

WHEREAS, there has been some amount of debate concerning the supervision of Baldwin County's roads and bridges by the State Highway Department; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a citizen's study committee to determine whether the construction and maintenance of county roads and bridges in Baldwin County should remain under the supervision and control of the State Highway Department, or should revert back under the supervision and control of the Baldwin County governing body. The committee shall also study any other related matters of county government. The committee shall consist of five members. The county governing body shall appoint two members, the Baldwin county legislative delegation shall appoint three members, and the Baldwin County legislative delegation shall be ex officio members of the committee. Appointments to the committee shall be made within ten days after passage of this resolution.

The Baldwin County governing body shall furnish meeting space, clerical help, and spend any funds necessary to furnish consultants or other such counsel as needed by the committee to obtain the information it needs.

The committee shall elect a chairman and report its findings, conclusions and recommendations to the legislature not later than the 1st legislative day of the 1976 Regular Session.

On motion of Mr. McMillan, the rules were suspended and the resolution, H. J. R. 38, was adopted.

BILLS ON THIRD READING RESUMED

And the bill:

H. 101. To amend Act No. 276, S. 170, 1971 Third Special Session (Acts of 1971, p. 4543) [now appearing in Code of Alabama, Recompiled 1958, Title 23, Section 64(17)-64(35)] amending Sections III, IV, VI, VII, XII, and XIII of such act known as the "Highway Beautification Act—Outdoor Advertising"; so as to provide control of outdoor advertising signs outside of an urban area beyond 660 feet of the right-of-way of interstate or primary highway systems; to provide for Court proceedings,

evidentiary matters and procedures; to provide for just compensation for removal of such signs and to provide penalties for violations.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Carter, Clark, Cooper, Crowe, Dial, Edwards, Falkenburg, Folmar, Gafford, Glass, Greer, Harrison, Hill, Hilliard, Holley, Holmes, Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Riddick, Roberts, Robertson, Sasser, Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White and Wyatt.

—65

And the bill:

H. 95. (With Amendment): To amend Section 259 of Title 46 of the Code of Alabama 1940, as amended, relating to the qualifications of applicants, to expedite the licensure of United States citizens who are graduates of foreign medical schools.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend House Bill 95 on page 3, line 13, by deleting the period and inserting the following:

or one year of residency and two years licensed practice under probation.

And the amendment was adopted.

Yeas 58; Nays 1.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Campbell, Carter, Cooper, Crawford, Dial, Edwards, Folmar, Gafford, Glass, Greer, Hill, Hilliard, Holmes, Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Leonard, Lewis, Lutz, McMillan, Malone, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Riddick, Roberts, Robertson, Sasser, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—58

*Nay*: Mr. Manley. —1

Mr. Biddle offered the following amendment to the bill, H. 95 as amended:

Amend House Bill 95, Section 259 (c), page 3, line 11 by striking the word and inserting in lieu thereof the words State Board of Medical Examiners.

Further, amend Section 259 (c), page 3, line 13 by striking the word and inserting in lieu thereof the words State Board of Medical Examiners.

And the amendment was adopted.

Yeas 54; Nays 0.

*Yeas:*

Mr. Speaker, Andrews, Baker, Boles, Campbell, Carter, Cooper, Crawford, Crowe, Edwards, Folmar, Gafford, Glass, Greer, Hall, Hill, Holmes, Hopping, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, Leonard, Lewis, Lutz, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Pegues, Plaster, Reed, Rich, Roberts, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—54

And the bill, H. 95 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Gafford, Glass, Greer, Hall, Harris, Harrison, Hill, Holley, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Rich, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—74

## MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Albright, the rules were suspended in order to bring up out of order the bill, H. 190.

And the bill:

H. 190. To provide for the appointment of assistant district attorneys in the Twenty-third Judicial Circuit and for a graduated schedule of compensation for assistant district attorneys in the Twenty-third Judicial Circuit.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Gafford, Greer, Hall, Harris, Hill, Holley, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Malone, Manley, Martin,

Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Reed, Rich, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—77

And the bill:

H. 90. To create in the State of Alabama a "Joint Advisory Board of Family Practice" to further the supply of competent family physicians; to provide for the Board's membership number and selection; and to establish the duties and authorities of the Advisory Board.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Brindley, Campbell, Carter, Cates, Clark, Cooper, Crawford, Crowe, Edwards, Folmar, Gafford, Greer, Hall, Harris, Hill, Hines, Holley, Hopping, Jackson (F), Jolly, Kennedy, Killian, Kinsey, Lee, LeFlore, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Porter, Rich, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Whatley, White, Williams and Wyatt.

—62

## MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Smith (C), the rules were suspended in order to bring up out of order the bill, H. 47.

And the bill:

H. 47. To amend Section 1 of Act No. 471, S. 189, Regular Session 1969, (Acts of 1969, p. 914; now appearing in Code of Alabama, 1940, Recompiled 1958, Title 55, Section 531, entitled "An Act To provide for the regulation and control of state-owned motor vehicles for official use by state officers and employees; to limit the number, cost and use of such vehicles, to provide for a transportation pool and to fix the responsibility for the maintenance and repair of vehicles therein; to establish a revolving fund for the use of the transportation pool, providing for the payment of certain fees and charges for the use of pool cars to be paid into such fund and appropriating state funds therefor; to provide for the administration and enforcement of this act and to prescribe penalties for violations; to ratify all acts of the Governor and finance director in establishing a transportation pool and to validate the transfer of funds allocated to state departments for the acquisition of automobiles to the finance department for the establishment of a transportation pool"; so as to place certain limitations on the size of such vehicles to be purchased for use by any employee, official or officer of the state except certain law enforcement personnel and constitutional officers.

Was taken up.

Mr. Smith (C) offered the following amendment to the bill:

Amend H. 47 as follows:

On page 2, "Section 1., line 36, after the word "used." insert the following:

Also excluded from the provisions of this act shall be vehicles used or operated by presidents of four-year colleges and universities, emergency vehicles, vehicles purchased for use in transporting drugs, plants, animals, or for hospital and health use, and vehicles deemed necessary by the Board of Trustees of the four-year colleges and universities to be incident to the operation of such college or university.

And the amendment was adopted.

Yeas 66; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Clark, Crawford, Crowe, Dial, Edwards, Folmar, Gafford, Greer, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Hopping, Howard, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McMillan, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramoore, Plaster, Porter, Quarles, Reed, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—66

And the bill, H. 47 as thus amended, was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Clark, Crawford, Cross, Crowe, Dial, Edwards, Folmar, Gafford, Greer, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee LeFlore, Lockett, Lutz, McMillan, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Plaster, Porter, Quarles, Reed, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—70

## MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Ford, the rules were suspended in order to bring up out of order the bill, H. 2.

And the bill:

H. 2. To name three buildings on the Gadsden State Junior College Campus.

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

*Yeas:*

Messrs.: Albright, Andrews, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Crawford, Cross, Crowe, Dial, Folmar,

Gafford, Greer, Hall, Harris, Hill, Hilliard, Hines, Holley, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Lockett, Lutz, McMillan, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Plaster, Porter, Quarles, Reed, Rich, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—66

## MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Gafford, the rules were suspended in order to bring up out of order the bill, H. 233.

And the bill:

H. 233. To repeal Act No. 1056, S. 1, Regular Session 1973 (Acts of 1973, p. 1699), as amended, entitled "An Act To establish a state ethics commission and to provide a state ethics law which: Requires disclosures of certain economic interests and certain family connections to be filed by candidates for public offices, public officials and employees, and by persons having certain business dealings with the state, a county or municipality or its agencies or instrumentalities; proscribes certain practices by public official and employees which conflict with the proper safeguarding of the public trust; requires the registration of persons engaged in activities designed to influence legislation and the making of certain reports by such persons and otherwise regulates such activities of such persons; prescribes penalties; provides for the enforcement of this act; prescribes the powers and duties of the ethics commission; and authorizes the commission to prescribe, promulgate and enforce rules, consonant with this law, to govern activities and disclosures by public officials and employees needed to safeguard the public trust in such governmental units."

Was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 25.

*Yeas:*

Messrs.: Armstrong, Baker, Brindley, Callahan, Carothers, Carter, Cates, Clark, Cooper, Crowe, Drake, Folmar, Gafford, Greer, Harris, Hines, Holley, Jackson (F), Johnstone, Jolly, Kennedy, Killian, Lee, LeFlore, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Owens, Quarles, Reed, Rich, Sandusky, Sasser, Shelton, Smith (J), Smith (M), Sonnier, Starkey, Teague, Trammell, Waggoner, Warren and Williams.

—52

*Nays:*

Messrs.: Albright, Barron, Campbell, Cross, Dial, Hall, Harrison, Hill, Hopping, Howard, Jackson (R), Johnson, Leonard, Lewis, Pegues, Plaster, Porter, Riddick, Roberts, Robertson, Smith (B), Sparks, Turnham, Venable and Wyatt.

—25

## UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Sasser, Holley and Smith (M) as co-sponsors to the bill, H. 233.

Unanimous consent was granted for the Journal to show Mr. White removed as co-sponsor to the bill, H. 233.

And the bill:

H. 49. To exempt bonds, notes, warrants, other evidences of indebtedness or securities issued by any municipality, by any county, by any public corporation heretofore or hereafter organized or created in the State of Alabama pursuant to authorization, determination, finding or other action of any municipality or municipalities or county or counties or the governing body of any one or more thereof, or by any city or county board of education from all laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940, as amended.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 1.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Brindley, Campbell, Carter, Cates, Cooper, Dial, Folmar, Gafford, Greer, Hill, Hines, Holley, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Lockett, Lutz, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Owens, Plaster, Quarles, Reed, Roberts, Sasser, Shelton, Smith (J), Sparks, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White and Williams.

—48

*Nay*: Mr. Leonard. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Riddick as co-sponsor to the bill, H. 190.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Killian, the rules were suspended in order to bring up out of order the bill, H. 31.

And the bill:

H. 31. To amend Act No. 1159, S. 278 of the 1975 Regular Session, which provides for an additional circuit judgeship in the 38th Judicial Circuit, so as to make the provisions thereof relative to the time of appointment and the term of service of the first additional judge and his successors comply with Section 153 of the Constitution of 1901, as amended, and to correct a clerical error in the Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cooper, Crawford, Cross, Edwards, Folmar, Gafford, Greer, Hall, Harris, Hill, Hines, Hopping, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Plaster, Quarles, Reed, Roberts, Sasser, Shelton, Smith (B), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—60

MOTION TO SUSPEND RULES LOST

The motion offerd by Mr. Leonard to suspend the rules in order to bring up out of order the bill, H. 62, was lost.

And the bill:

H. 210. To amend Section 3 of Act No. 2053, S. 122, 1971 Regular Session (Acts of 1971, p. 3290; now appearing in Code of Alabama, Recompiled 1958, Title 5, Section 318), entitled "To provide maximum finance charges for loans and credit sales; to regulate extensions of credit, including consumer loans, consumer credit sales and consumer leases; to provide penalties for violation of this Act; and to authorize the Superintendent of Banks to administer this Act"; so to set a limit on collection of default of one hundred dollars ($100.00).

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Brindley, Campbell, Carter, Cates, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Greer, Harris, Hill, Hines, Holley, Jackson (F), Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, Lutz, McCulley, McMillan, McNees, Merrill, Moore (O), Moore (W), Naramore, Owens, Plaster, Quarles, Reed, Rich, Riddick, Roberts Robertson, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Teague, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—57

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Glass to suspend the rules in order to bring up out of order the bill, H. 219, was lost.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Owens, the rules were suspended in order to bring up out of order the bill, H. 103.

Yeas 57; Nays 11.

*Yeas:*

Mr. Speaker, Albright, Andrews, Baker, Campbell, Carothers, Carter,

Clark, Cooper, Crawford, Cross, Dial, Edwards, Falkenburg, Folmar, Gafford, Harris, Hines, Holley, Jackson (F), Johnstone, Killian, Kinsey, Lee, LeFlore, Lewis, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Plaster, Porter, Reed, Rich, Roberts, Robertson, Sasser, Shelton, Smith (J), Smith (M), Sonnier, Starkey, Teague, Trammell, Waggoner, Warren, White and Williams.

—57

*Nays:*

Messrs.: Barron, Brindley, Greer, Harrison, Hill, Jackson (R), Riddick, Smith (B), Tucker, Turnham and Venable.

—11

And the bill:

H. 103. To make appropriations to the Alabama Forestry Commission for construction of an automotive maintenance and repair shop, mechanics salaries, and equipment and parts for such shop.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Baker, Campbell, Carothers, Carter, Cates, Clark, Cross, Crowe, Dial, Edwards, Falkenburg, Gafford, Harris, Hines, Jackson (F), Kelley, Killian, Kinsey, Lee, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Porter, Reed, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—63

## UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Folmar voting "Yea" on the bill, H. 103.

## MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. McNair, the rules were suspended in order to bring up out of order the bill, H. 168.

And the bill:

H. 168. (With Amendment): Relating to counties having populations of not less than 600,000 inhabitants; to levy an additional license tax on cigarettes in such counties; to provide for the enforcement hereof, the collection of the tax and the disposition of the proceeds thereof; and to provide penalties for violation of the provisions of this act.

Was taken up.

The question was then on the adoption of the amendment reported

by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend H. B. 168 on page 11, Section 10(b), on the last line, by adding after the words "within any such county." the following words:

"If there be no such public mass transit service within any municipality, those funds credited to such municipality shall be awarded directly to such municipality to be applied for the maintenance and construction of streets, highways, roads, bridges, overpasses, underpasses, and parking facilities or for equipment, facilities and traffic control services respecting the use thereof by motor vehicles, or for health, welfare, and other general purposes."

And the amendment was adopted.

Yeas 11; Nays 1.

*Yeas:*

Messrs.: Andrews, Hall, Harrison, Howard, Jackson (R), Leonard, McNair, Porter, Tucker, Waggoner and White.

—11

*Nay*: Mr. Hopping. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO ADJOURN LOST

The motion offered by Mr. Gafford that the House adjourn until 2:00 o'clock p.m., Thursday, November 6, 1975, was lost.

MOTION IN WRITING FILED

Mrs. Quarles filed the following Motion in Writing:

Pursuant to the Notice in Writing previously given, I move that the Joint Rules be amended to add an additional rule as follows:

When the sponsor, during committee consideration or hearing on any bill, agrees to an amendment adopted by the committee it shall be the responsibility of the committee to add such amendment prior to its favorable report by the committee. The failure of the committee to comply with this rule, or any of its members, shall be subject to such censure as the respective houses may impose.

ADJOURNMENT

On motion of Mr. Owens and pursuant to the resolution, H. R. 33, heretofore adopted, the House adjourned until 2:00 o'clock p.m., Thursday, November 6, 1975.

## FOURTH DAY

House of Representatives
Montgomery, Alabama
Thursday, November 6, 1975

The House met pursuant to adjournment.

## PRAYER

The session was opened with prayer by the Reverend Levi Sides, Pastor, Capitol Heights Church of Christ, Montgomery, Alabama.

## ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—104

A quorum was present.

## REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the third legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the third legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the third legislative day was approved.

## RESOLUTION

The following resolution was introduced:

By Mr. Manley:

H. R. 39. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, that when the House adjourns today it will adjourn to meet again on Friday, November 7, 1975, at 11:00 A.M.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 39, was adopted.

NOTICE IN WRITING

Mr. Owens filed the following Notice in Writing:

Notice is hereby given in accordance with House Rules that on the next legislative day a motion will be made to amend the rules of the House by adding the following:

Amend Rule 46 by adding at the end an additional sentence: "No provisions of this Rule shall apply to Local Bills."

NOTICE IN WRITING

Mrs. Quarles filed the following Notice in Writing:

Notice is hereby given in accordance with the House Rules that on the next legislative day a motion will be made to amend the Joint Rules to add an additional joint rule as follows:

When a bill is to be reported out of a committee by reason of, a pursuant to, an agreement among members of the committee as to floor action to be taken at the time the bill is considered on third reading, then the committee secretary shall prepare a written memorandum of the agreement for the signature of the chairman, which memorandum shall be filed at the time of the second reading of the bill with the Clerk of the House, if the committee be a House committee or Secretary of the Senate, if the committee be a Senate committee, and in the event the floor action referred to in the memorandum is not taken, then in that event any member of the committee who deems himself aggrieved by the absence of action in accordance with the memorandum, shall be entitled to have bill be recommitted.

BILLS ON SECOND READING

Mr. Owens, chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 80. (With Substitute): To amend Section 259, subsection (d) of Section 262, Section 263, Section 272, Section 279, Section 283, Section 289, Section 293, Section 299, Section 312, all being of Chapter 5 Title 26, Code of Alabama 1940, as amended, Sections 7, 13, and 17 of Act No. 180, adopted at the 1951 Regular Session of the Legislature of Alabama, as amended, Sections 6, 12, and 16 of Act No. 521, adopted at the 1967 Regular Session of the Legislature of Alabama, as amended, and Sections 6, 12 and 16 of Act No. 668, adopted at the 1971 Regular Session of the Legislature of Alabama, as amended, relating to extraterritorial coverage of employees subject to the workmen's compensation laws of Alabama, providing compulsory coverage for employers who do not regularly employ less than three employees, extending immunity from suit by employees to other employees not acting in supervisory positions for the employer and to Unions and union representatives makeing safety inspections, defining permanent total disability and extending benefits for permanent total disability for the duration of the disability, fixing the employer's and the second injury trust fund's liability in the event a second injury produces permanent total disability, permitting credit for the payment of benefits for temporary total disability against the compensation payable for permanent partial disability resulting from an unscheduled injury only, providing for vocational rehabilitation under certain circumstances, establishing the effect of the procurement of gainful employment on permanent total disability benefits, increasing

the percentage of a decedent's employee's average weekly wages to which one dependent is entitled, fixing the minimum weekly benefit at 25% of the average weekly wage of the state as determined by the director of industrial relations and the maximum weekly benefit at 66-2/3% of such average weekly wage, and providing for certain periodic changes in the minimum and maximum weekly benefit and the total amount of compensation payable, eliminating any time or dollar limit for compensable medical expenses and giving an employee the right to reject the first two physicians selected by the employer, establishing the effect of the recovery of damages from a third party by an employee suffering a permanent total disability, permitting lump sum payments of compensation with commutation upon approval of the court and by agreement of the parties and amending the acts providing for compensation for occupational pneumonoconiosis, occupational exposure to radiation, and certain occupational disease to make the amendments described above applicable to those acts, all relating to the statutory plan for the compensation of employees for job-related injuries and certain illnesses and diseases.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 81. To amend Sections 6, 15, 16, 17 and 18 of Act No. 183 enacted at the 1975 Third Special Session of the Legislature of Alabama so as to make different provision for the first term of office of any directors of any hospital authority organized under said Act who are elected by the Central Labor Council; so as to delete the reference in said Act to the University of Alabama; so as to revise the provisions of said Act relating to the applicability of the rules and regulations of the State Ethics Commission and to provide that the provisions of Act No. 130 (1975 Regular Session) shall apply to the members of the Board of Directors of any such hospital authority, and to the administrator and the purchasing agent of such hospital; so as to prohibit any such hospital authority from purchasing, or contracting to purchase, any goods or services from any employee of such authority or from the spouse of any such employee; so as to delete the requirement that all purchases, sales and contracts of such hospital authorities be administered in full compliance with Chapters 22 to 24, inclusive, of Title 55 of the Code of Alabama of 1940, and to provide, in lieu thereof, that the competitive bid provisions of Act No. 217 (1967 Special Session), as amended, shall apply to such hospital authorities to the same extent as to other local governmental agencies specifically mentioned therein and that the provisions of Act No. 314 (1969 Regular Session) and relating to insurance on public building contracts or public construction contracts shall be applicable to all such hospital authorities; and so as to revise the provisions of said Act requiring the publication of annual financial statements.

H. 244. To amend Section 3 of Act No. 863, S. 441, 1975 Regular Session, approved October 7, 1975, which established the Alabama Firefighters Personnel Standards and Education Commission, so as to provide further for the employment of an executive secretary and clerical assistants for the commission and to provide further for the payment of travel allowances and expenses for members of the commission.

H. 248. To amend further Act No. 533, Acts of Alabama, 1957 Regular Session, Page 750, entitled "An Act To Create a Board to be known as the State Board of Registration for Foresters; to provide for the qualification of members of said Board; to provide for the appoint-

ment of the members of said Board; to provide for their terms of office; to provide for the organization of said Board; to provide for the powers and duties of said Board; to provide for the registration of Foresters; to provide for the recording of licenses; to provide for the definition of the practice of Forestry; to provide for the revocation of licenses; to provide for fees for the issuance and recording of such licenses; to provide for reciprocity; to create a special fund to be known as the "Professional Foresters Fund," and to regulate expenditures thereform; to repeal all laws in conflict with this Act; and to make an appropriation," as amended by Act No. 141, Acts of Alabama, 1961 Special Session, page 2082; by Act No. 1051, Acts of Alabama, 1969 Regular Session page 1965; and by Act No. 1202, S. 107, 1973 Regular Session (Acts of 1973, p. 2020); so as to provide for an increase in the registration fee for a license and the annual renewal fee for licenses.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 39. To make an additional appropriation from the State treasury to the use of the Legislative Reference Service for the payment of costs of printing and publishing the index of local laws, for cost of equipment, supplies and for other expenses.

S. 106. To make an appropriation from the general fund in the state treasury to be used by the Alabama Code revision committee named in the State of Alabama's contract with Michie and Bobbs-Merrill Company for the purposes of the contract; namely, revising, digesting and codifying the statutes of the state of a general and permanent nature, and otherwise implementing the adoption and publication of a new code.

S. 25. To provide for the appointment of assistant district attorneys in the Twenty-third Judicial Circuit and for a graduated schedule of compensation for assistant district attorneys in the Twenty-third Judicial Circuit.

S. 50. Amend Act No. 1180 of the 1975 Regular Session of the Alabama Legislature by changing the overtime provisions of said Act; defines state law enforcement officer and repeals all conflicting laws; and provides funding.

S. 42. To make an appropriation to the Department of Agriculture and Industries for control and eradication of a destructive insect pest known as the fire ant.

S. 55. To authorize the County Commission or like governing body of each of the several counties to appoint an Engineer Trainee; to provide for the qualifications and duties of such Engineer Trainee; and to provide for State participation in the salary of such Engineer Trainee appointed.

S. 34. To amend Section 1 of Act No. 1237, S. 254, 1975 Regular Session (m. s.), so as to allow service-connected disabled veterans to be exempted from privilege or license tax and registration fee levied on automobiles and motor vehicles; to provide for a refund to persons who purchase their tags before the effective date of this act.

H. 254. To make a supplemental appropriation to the State Agency for Social Security from funds known as the Social Security Contribution Fund in the State Treasury for the Fiscal year ending September 30, 1976.

H. 134. To make a conditional appropriation in the amount of $100,000.00 from the Alabama Special Educational Trust Fund to Alabama State Board of Education for the use and benefit of Alabama State University for the purpose of demolition and removal of a gutted building on the University campus and for the purpose of purchasing additional land within the University Master Plan Area.

H. 89. To provide a state scholarship program to promote the education of graduate nurses at the School of Nursing of the University of Alabama in Birmingham, and making appropriations therefor.

H. 61. To extend library privileges at all state supported institutions of higher learning to persons over 65 years of age.

S. 100. To amend Act No. 763, Regular Session, 1973, which relates to subsistence allowances for law enforcement officers while on duty and to authorize expenditure of funds for that purpose.

S. 47. To provide for the creation of the Alabama Elected Officials Retirement Fund; to provide for the actuarially sound administration and supervision thereof; to provide for the payment of contributions by the members of said fund; and further to provide for the necessary and proper appropriations and other employer costs to carry out the provisions of this Act.

S. 85. Proposing an amendment to the Constitution of Alabama to authorize the Legislature to provide for the retirement of elected officials and of heads of departments of state government with such conditions, retirement benefits and pensions as it deems wise.

The above bill was read a second time at length as required by the Constitution.

S. 51. To appropriate $50,000.00 from the general fund in the state treasury to the general fund of Escambia County as reimbursement for costs incurred in the trial of state inmates in that county.

H. 246. To include members of the State Board of Pardons and Paroles or former members of said Board and Director of Physical Fitness Department under the State Employees' Retirement System; to provide that each member shall be eligible for coverage under the system from the date on which he assumed his office; also provides for necessary employee contributions and state appropriations.

H. 137. To amend further Section 2, Act No. 100, Second Special Session 1959, the State Sales Tax Act, so as to provide that where any used part of an automotive vehicle or a truck trailer, semitrailer or a house trailer is taken in trade as a credit or part payment on the sale of a new or rebuilt part, the sales tax shall be paid on the net difference, and to provide that this provision shall not be construed to include tires and batteries.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 123. To amend Act No. 556, H. 857, Regular Session 1975, which relates to establishing a new fee schedule for services rendered in probate offices, so as to reduce the per page cost from $5.00 per page to $2.00 per page for pages where a substantial part of such page is printed in smaller type than 10 point.

S. 84. To amend Code of Alabama 1940, Title 15, Section 325 relative to place of confinement for persons sentenced to three years or less imprisonment.

S. 113. To authorize the State Board of Pardons and Paroles to charge parolee residents of community residential facilities a monthly amount for room and board; to provide that such charge may be waived upon written recommendation by the director of the facility; to provide for ear-marking the proceeds from such charges; to authorize said board to promulgate and effect such rules and regulations necessary for the implementation of this act and to repeal conflicting statutes.

S. 94. To provide for application for review of felony sentences of five or more years, except death sentences, by a panel of three circuit judges appointed from time to time by the Presiding Judge of The Court of Criminal Appeals.

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 102. To provide for the licensing of speech pathologists and audiologists; to establish an Alabama Board of Examiners for Speech Pathology and Audiology; to define the powers and duties of such board; to prescribe licensing standards, procedures, and fees; to provide a penalty for violation of this act; and to repeal conflicting laws.

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 138. (With Amendment): To amend Act No. 1148, H. 600, Regular Session 1975, relating to the practice of optometry, by removing certain repetitious clauses, renumbering certain sub-paragraphs, and by correcting certain erroneous citations and conflicting paragraphs.

Mr. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 199. To amend Code of Alabama 1940, Title 52, Section 158, which relates to the authority of a city board of education, so as to allow the county board of education to continue to operate an area vocational school in territory annexed to a city and to provide that certain children residing within such area, so annexed, may continue to go to the vocational school.

Mr. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 105. (With Substitute): To amend Section 1 of Act No. 106, S. 13, 1971 Regular Session (Acts 1971, p. 373), which is the Alabama Exceptional Child Education Act, so as to include the profoundly retarded child under the provisions of the act.

Mr. Carter, Chairman of the Standing Committee on Conservation,

reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 37. To amend Section 4 of Act No. 712, H. 48, Acts of Alabama 1951 (Acts 1951, Vol. II, p. 1250) relating to tourist advertising, to permit the purchase of intrastate advertising of state-owned parks by bureau of publicity and information.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 18. To provide for the holding of circuit court anywhere within the county comprising the 37th Judicial Circuit of Alabama.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 257. Relating to counties having a population of not less than 27,900 nor more than 33,500 inhabitants according to the most recent federal decennial census; providing for the compensation of bailiffs in such counties.

H. 260. To provide an expense allowance for each member of the county commission of all counties having a population of not less than 27,900 nor more than 33,500 inhabitants according to the most recent federal decennial census, which shall supersede any provision heretofore made for expense allowances of such commissions; and providing that the provisions of this Act shall have a retroactive effect.

S. 6. Relating to all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the most recent federal decennial census; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

S. 9. Relating to the election of members of the county board of education in counties having a population of not less than 18,500 nor more than 20,500 inhabitants according to the most recent federal decennial census, and repealing conflicting laws.

S. 12. To amend Section 1 of Act No. 626, H. 815, approved September 8, 1967 (Acts of Alabama, Organizational Special Regular Session 1967, Volume 2, Page 1430), an act entitled "To provide clerical assistance to the Circuit Clerk, Probate Judge, Tax Assessor, Tax Collector, Register in Chancery, County Judge and Sheriff of Cherokee County, Alabama, to provide for the selection, employment and discharging of such assistants, to fix their compensation and provide for the payment therefor out of the county funds", so as to include in paragraph 1 of said Section 1 the Office of the Deputy Solicitor; to repeal Act No. 197, H. 214, Special Session 1967 (Acts 1967, P. 243), as amended.

S. 14. Relating to any county having a population of not less than 35,000 nor more than 38,000 according to the most recent federal decennial census; authorizing the county governing body to provide for the relief of Mrs. Bertha Mae Barber for injuries sustained in an automobile accident due to a defective county road.

S. 16. Relating to any judicial circuit composed of a county having a population between 60,000 and 65,000 inhabitants according to the most recent or any subsequent federal decennial census; to provide for the fixing of fees of official court reporters of such judicial circuit to be taxed as court costs.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 17. (With Amendment): Relating to the largest city in all counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the most recent or any subsequent federal decennial census; to empower recorders courts in said counties to suspend sentences or grant probation under certain conditions.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

S. 31. (With Amendments): Relating to Etowah County, Alabama; levying a privilege license tax upon the sale, use or consumption, distributing, storing or withdrawing from storage, of malt or brewed beverages within Etowah County, providing for the collection and distribution of the proceeds of said tax; providing for the administration of the Act; providing penalties for violations of the Act; repealing conflicting laws, including municipal ordinances; providing that this Act be severable; and providing for the effective date hereof.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 32. To create a board of trustees of the policemen and firemen's retirement fund of the City of Gadsden, Alabama to provide for the composition of said board; to provide for a secretary-treasurer of said board and custodial care of such funds; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amounts payable to widows or dependents; and to provide appeals from any decision of said board.

S. 45. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all gasoline taxes levied in such counties, and authorizing said Department to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections.

S. 46. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all severance taxes on coal levied by any such county; authorizing said Department of Revenue to promulgate rules and regu-

lations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections.

S. 76. Relating to all counties having populations of not less than 57,000 nor more than 61,000; providing further for the compensation and expenses of the circuit clerk and register in such counties.

S. 79. Relating to Marion County, Alabama, providing for a secretary for the courts of such county, prescribing the means of appointment and removal, the duties and compensation therefor.

S. 136. Relating to all counties having a population of 90,000 to 100,000 inhabitants according to the most recent federal decennial census; to provide provisions whereby any local act applying to barber commissions in all such counties can become inoperative; to provide provisions whereby if such act becomes inoperative, the act can be made operative again; to provide the powers of the commission should the local act become inoperative; and to provide for maintaining a contingency fund.

Mr. Callahan, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 19. Relating to all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census to authorize the governing body and election officials of those counties which use voting machines which produce printouts that contain all required data regarding registering or recording and computing the vote at all elections to use such printout sheets and to make any required certificates or statements thereon; providing that such shall satisfy the provisions of Alabama Code 1940, Title 17, Chapter 1, Article 7.

S. 24. Providing for the solemnization of marriages in counties having populations of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; providing for the appointment of a person authorized to solemnize marriages in each such county in addition to those persons now authorized by law to solemnize marriages; prescribing the qualifications, term of office, powers and duties of persons hereby authorized to solemnize marriages; and providing that any charge for a marriage ceremony shall not exceed the amount allowed the probate judge for such ceremony.

S. 21. This bill repeals Act No. 1167, S. 1179 of the Regular Session of the Legislature of 1975, approved October 10, 1975 (m.s.), entitled: "An Act To provide for Supernumerary-Retired Probate Judges in all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census; to prescribe the qualifications, term, duties, powers, authority, compensation and benefits of such supernumeraries; to provide for a Probate Judges Retirement Fund in such counties; to regulate the administration and supervision of said fund and to repeal all conflicting statutes."

H. 262. To provide retirement benefits for elected officials in any municipality in the State of Alabama having a population, according to the most recent federal census, between 175,000 and 225,000 persons, and to provide for the payment of such benefits.

Mr. Callahan, Chairman of the Standing Committee on Local Legis-

lation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 158. (With Substitute): To amend the Act providing for the disposition and use of a certain portion of the funds received by counties having a population of not less than 300,000 nor more than 600,000 under the provisions of Act Number 2, H. 47, Regular Session 1945 (Acts 1945, p. 20) so as to provide further for the distribution.

Mr. Barron, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 62. To provide that One Thousand ($1,000.00) Dollars shall be transferred each month from the District Attorney's Fund of Madison County into the General Fund of Madison County to help defray the cost of providing parking for petit and grand jurors in said County.

Mr. Barron, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 147. (With Amendment): Relating to all counties having a population of not less than 150,000 nor more than 180,000 inhibitants according to the most recent federal decennial census; to provide that the county commission or other like governing body of such counties shall have the power to levy and collect additional privilege license taxes, excise taxes, ad valorem taxes, and sales and use taxes; provided, however any such tax levied by said governing bodies shall be subject to approval of the majority of the voters in said county in elections called for by said governing board for this purpose; to provide for the disposition of the proceeds of such taxes; and to prohibit the authority to levy and collect such taxes on gross proceeds or occupations.

Mr. Callahan, Vice-Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 247. To amend Section 3 of Act No. 2293, Regular Session 1971 (Acts of 1971, p. 3694), et seq.) now appearing as Section 303(8) of Title 28, Code of Alabama, 1940 (Recompiled 1958) which provides for the Credit Union Board of the Bureau of Credit Unions and for the appointment of members to said Board by the Speaker of the House and the Lieutenant Governor so as to provide for the appointment of members to said Board by the Governor.

S. 96. To amend Section 4 of Act No. 90, H. 216, 1963 Regular Session [Acts of 1963, p. 474; now appearing in Code of Alabama, Recompiled 1958, Title 37, Section 826 (1)], so as to provide that revenue bonds or notes issued under the said act may be refunded, extended or renewed by other temporary bonds or notes maturing not more than eighteen months from the date of maturity of the temporary bonds or notes then outstanding.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the

following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 43. To amend Act No. 1159, S. 278 of the 1975 Regular Session, which provides for an additional circuit judgeship in the 38th Judicial Circuit, so as to make the provisions thereof relative to the time of appointment and the term of service of the first additional judge and his successors comply with Section 153 of the Constitution of 1901, as amended, and to correct a clerical error in the Act.

S. 15. To provide for supplementing the salaries or compensation paid to retired or supernumerary Circuit Judges in the 37th Judicial Circuit.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 26. To make the provisions of Chapter 5, Title 26, of the 1940 Code of Alabama, as now or hereafter amended, inapplicable to all cities having a population of 250,000 or more, to any park board of such cities, to the boards and agencies authorized by such cities, and to the employees of any such city, board or agency.

## RESOLUTION

The following resolution was introduced:

By Mr. Lutz:

H. J. R. 40. Welcoming Exchange Students from the Republic of Colombia.

WHEREAS, the Alabama Legislature is honored to have in its midst a group of exchange students from the Republic of Colombia, namely, George Diaz, Giovanni Citarella, Hernan Maestre, and Orlando Fals; and

WHEREAS, the presence of these young people typifies the warm relations between the United States of America and the Republic of Colombia; and

WHEREAS, there exist many cultural, economic, and social ties between the State of Alabama and the Republic of Colombia.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That we do extend a warm welcome to our friends from Colombia and do wish them well during their visit in Alabama.

BE IT FURTHER RESOLVED, That we do declare George Diaz, Giovanni Citarella, Hernan Maestre, and Orlando Fals to be honorary citizens of the State of Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to George Diaz, Giovanni Citarella, Hernan Maestre, and Orlando Fals.

On motion of Mr. Lutz, the rules were suspended and the resolution, H. J. R. 40, was adopted.

RECESS

On motion of Mr. McNair, the House stood in recess in order for the Standing Committee on Local Legislation No. 2 to meet.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Leonard:

H. 267. Relating to taxation; exempting Big Brother, Inc., and its property from all state, county and municipal sales and use taxes.

Ways and Means.

RESOLUTIONS

The following resolutions were introduced:

By Messrs. Dial and Teague:

H. J. R. 41. CONGRATULATING JENNIE CHANDLER ON WINNING DIVING AWARD IN THE PAN AMERICAN GAMES IN MEXICO CITY.

WHEREAS, Miss Jennie Chandler of Anniston Academy has recently won the women's springboard diving competition in the Pan American Games in Mexico City; and

WHEREAS, the pretty, blue-eyed athlete is also a pleasant, unassuming and charming schoolgirl who remains unaffected by her national and international recognition; and

WHEREAS, Jennie is considered among the five best divers in the world and has won hundreds of diving awards in Europe and the United States; now therefore

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate Jennie Chandler on her fine accomplishments in diving and wish her the best in her future endeavors.

RESOLVED FURTHER, That a copy of this resolution be presented to Jennie Chandler.

On motion of Mr. Dial, the rules were suspended and the resolution, H. J. R. 41, was adopted.

Also:

By Mr. McCluskey:

H. J. R. 42. CONGRATULATING AND COMMENDING MISS JACKIE BEASLEY ON BEING SELECTED ALABAMA TEXTILE QUEEN.

WHEREAS, the lovely Miss Jackie Beasley was selected Alabama Textile Queen, at the 27th Annual Public Relations Meeting of the Alabama Textile Manufacturers Association; and

WHEREAS, Miss Beasley, the daugther of Mr. and Mrs. W. T.

Beasley of Sylacauga, is majoring in elementary education at the University of Alabama in Birmingham, transferring there after two years at Jacksonville State University, was sponsored by Avondale Mills; and

WHEREAS, the talented Miss Beasley has a long tradition of successes in pageant competition and her honors have included: in 1973 Miss Coosa County, Miss Coosa County Farm Bureau Queen, Miss Congeniality in Miss Lake Martin Pageant; in 1974 Miss Congenialtiy in the Miss East Alabama and Miss Sylacauga pageants, Talent Winner in the Miss Alabama and Miss Lake Martin pageants, and Special Talent Winner in the Miss Sylacauga pageant; and in 1975 Miss Congeniality in the Miss Talladega County pageant, Second Alternate and Miss Congeniality in the Miss Northeast pageant, and in the Miss East Alabama pageant she won Miss Congeniality, the talent contest, the Modeling Scholarship and pageant title; and

WHEREAS, the beautiful Miss Beasley's enthusiastic and regal participation in all of her endeavors has brought pride to her family, sponsors and community; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Miss Jackie Beasley upon her selection as Alabama Textile Queen and we do commend her for all of her past honors and wish her much success in all of her future undertakings.

On motion of Mr. McCluskey, the rules were suspended and the resolution, H. J. R. 42, was adopted.

Also:

By Mr. Crowe:

H. J. R. 43. COMMENDING CAROL HOOD WARREN, NAMED "WOMAN OF ACHIEVEMENT" BY WALKER COUNTY HOME EXTENSION CLUBS.

WHEREAS, Mrs. Carol Hood Warren from the South Walker community of Pumpkin Center has made many outstanding contributions to her community; and

WHEREAS, Mrs. Warren's dedication, vivaciousness, and enthusiasm in the Home Extension Service has brought distinction to herself and community by being named "Woman of Achievement" by the Walker County Home Extension Clubs; and

WHEREAS, the lovely Mrs. Warren is a devoted wife and an exemplary mother, as well as a leader in working for the betterment of her community; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do extend our heartiest congratulations and commend Mrs. Carol Hood Warren on being named "Woman of Achievement" by the Walker County Home Extension Clubs, and for her zeal, dedication and enthusiasm in working for the betterment of her community, and we are inspired by her outstanding example as a devoted wife and mother.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 43, on the Clerk's desk for one legislative day.

Also:

By Mr. Crowe:

H. J. R. 44. MOURNING THE DEATH OF EDGAR FILES, RESIDENT OF CARBON HILL, ALABAMA.

WHEREAS, the Alabama Legislature has noted with a sense of deep regret the death of Edgar Files of Carbon Hill, Alabama; and

WHEREAS, Mr. Files was a native of Winston County and resided most of his life in Carbon Hill where he was a prominent and influential leader in the civic, social, political and religious life of the community; and

WHEREAS, Mr. Files was a diligent worker in the coal industry of Walker County, a Veteran of World War I, and member of Carbon Hill First Baptist Church and the Zamora Temple; and

WHEREAS, Mr. Edgar Files served with unswerving dedication and loyalty in the fine works of the Masons which earned for him his 50-year pin as Master Mason and the high achievement as 32nd Degree Mason; and

WHEREAS, Mr. Edgar Files is survived by one daughter, Mrs. Peggy Mrazik; four sons: Mr. Edgar J. Files, Dr. Jerry Files, Mr. Billy Files and Mr. Clifton Files; and three brothers: Mr. Grady Files, Mr. W. A. Files and Mr. Donald Files; and

WHEREAS, we shall miss this wonderful man whose leadership and loving devotion to his family earned him the respect, admiration and friendship of all who knew him and there are members of this body who have been proud to call Edgar Files friend throughout many years of close association; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do mourn the death of Edgar Files and express our deep and sincere sympathy to his family to whom copies of this resolution shall be sent.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 44, on the Clerk's desk for one legislative day.

BILLS ON THIRD READING

And the bill:

H. 43. Relating to any county having a population of not less than 115,000 nor more than 150,000 according to the most recent federal decennial census; prescribing the terms of office for the tax assessor and tax collector.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Baker, Brindley, Campbell, Carter, Cates, Crawford, Folmar, Greer, Gregg, Jackson (F), Johnson, Johnstone, Kelley, Kinsey, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Morris, Naramore, Owens, Reed, Rich, Riddick, Smith (M), Sonnier, Venable, Waggoner and Wyatt.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 177. To provide that One Thousand ($1,000.00) Dollars shall be transferred each month from the District Attorney's Fund of Madison County into the General Fund of Madison County to help defray the cost of providing parking for petit and grand jurors in said County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

*Yeas:*

Mr. Speaker, Andrews, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Crowe, Drake, Edwards, Folmar, Greer, Gregg, Hall, Harris, Hilliard, Jackson (F), Jackson (R), Johnstone, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Morris, Naramore, Owens, Reed, Rich, Riddick, Roberts, Sasser, Smith (M), Sonnier, Sparks, Venable, Waggoner, Warren and Wyatt.

—54

And the bill:

H. 154. To fix the salary of the office of Ex-officio Judge of any County Court exercising original jurisdiction over general misdemeanors in Judicial Circuits composed of only one county and having a population of not less than 115,000 people nor more than 160,000 people according to the last and any subsequent decennial Federal census.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

*Yeas:*

Mr. Speaker, Baker, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Drake, Edwards, Folmar, Gafford, Greer, Gregg, Harris, Hill, Jackson (F), Johnson, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Reed, Rich, Riddick, Roberts, Robertson, Smith (M), Sonnier, Sparks, Venable, Waggoner, Warren and Wyatt.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 250. Relating to counties having populations of not less than 24,500 nor more than 25,000 inhabitants according to the most recent fed-

eral decennial census, providing for one full time and one part time clerk for the tax collector of any such county, and providing terms and compensation for such clerks.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Brindley, Campbell, Carothers, Carter, Coburn, Crawford, Drake, Folmar, Gafford, Glass, Greer, Gregg, Harris, Hill, Jackson (F), Johnstone, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Reed, Rich, Roberts, Robertson, Smith (C), Sonnier, Sparks, Trammell, Venable and Wyatt.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Johnstone to suspend the rules in order to bring up out of order the bill, H. 155, was lost.

UNFINISHED BUSINESS

The House then proceeded with the consideration of Unfinished Business:

And the bill:

H. 168. Relating to counties having populations of not less than 600,000 inhabitants; to levy an additional license tax on cigarettes in such counties; to provide for the enforcement hereof, the collection of the tax and the disposition of the proceeds thereof; and to provide penalties for violation of the provisions of this act.

As amended on the third legislative day, was again taken up.

Mr. White offered the following substitute to the bill:

A BILL
TO BE ENTITLED
AN ACT

Relating to counties having populations of not less than 600,000 inhabitants; to levy an additional license tax on cigarettes in such counties; to provide for the enforcement hereof, the collection of the tax and the disposition of the proceeds thereof; and to provide penalties for violation of the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply only in those counties having populations of not less than 600,000 inhabitants, according to the most recent federal decennial census.

Section 2. Unless the context clearly indicates a different meaning, the following words and phrases whenever used in this act shall have the meanings respectively ascribed to them in this Section. (a) The term "person" means and includes every natural person, firm, corporation, club, partnership, company, trustee, agency, or association, or any agent, servant, employee, or officer thereof, singular or plural. (b) The term "wholesale dealer" and "jobber" means and includes any person who sells or delivers within a county subject to the provisions of this act, at wholesale only, cigarettes to licensed retail dealers for the purpose of resale. (c) The term "retail dealer" means and includes every person, other than a wholesale dealer, who sells or delivers within a county subject to the provisions of this act any cigarettes and all persons operating under a retail dealer's license. (d) The term "dealer" means any wholesale or retail dealer is herein defined. (e) The term "storer" means any person who ships or causes to be shipped or receives cigarettes in any county subject to the provisions of this act who stores the same in any manner and/or uses the same for any purpose other than for resale or reshipment outside a county subject to the provisions of this act. (f) The term "stamps" means the stamp or stamps by use of which the tax is levied under this statute is paid. (g) The terms "county", "said county", or "such county" means any county in the state of Alabama with a population of 600,000 inhabitants, or more, according to the last or any subsequent Federal census. (h) The term "sale" means and includes any transfer of title or possession, or both, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, or for a consideration, or any agreement therefor, including rewards, prizes, or premiums, of cigarettes given as a result of operation on punch boards, shooting galleries, and/or any other activity. (i) The term "cigarette" means and includes (1) any roll of tobacco wrapped in paper or in any substance not containing tobacco, and (2) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in subsection (1) above. The masculin gender shall include the feminine and neuter gender. Whenever the context requires, the plural shall include the singular, and the singular the plural.

Section 3. In addition to all other taxes now imposed by law, every person who sells, stores, or delivers any cigarettes in any county subject to the provisions of this act, shall pay a license tax to the county, subject to the provisions of this act, and a license tax is hereby fixed, created and levied in the amount of two cents ($0.02) on each package of cigarettes containing not more than 20 cigarettes and two cents ($0.02) for each additional 20 cigarettes or fractional part thereof in such package sold, stored, or received for the purpose of distribution or sale to any person, firm, corporation, club, or association within such county; Provided, however, on each package of cigarettes containing five or less cigarettes, where such package is designed by the manufacturer as a sample package and is used for sampling purposes, and where such sample package containing five or less cigarettes are packed in cartons by the manufacturer there is hereby fixed, created and levied a license tax in the amount of two cents ($0.02) for each 20 cigarettes or fractional part thereof packed in the total packages contained in such carton. Such tax shall be paid by the use of stamps as herein provided, and shall be affixed to the outside of the carton at the rate of two cents ($0.02) for each 20 cigarettes or fractional part thereof contained or packaged in such carton. Such stamps shall be cancelled in the same manner as other stamps are cancelled as herein provided, and the person affixing such stamps shall stamp or write on the carton the name of the dealer or wholesaler, or other person responsible for the distribu-

tion of such sample packages of cigarettes, along with the date the stamps are affixed or cancelled. It shall be unlawful for any person to sell or offer to sell, barter or offer to barter, any cigarett that were packaged by the manufacturer and intended for sampling purposes; provided, however, that when the additional license tax hereby required to be paid shall have been paid by a wholesaler or seller of cigarettes, such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on each package of cigarettes.

Section 4. Every person, firm, corporation, club, or association that sells or stores or receives for the purpose of distribution any articles containing tobacco enumerated in this act shall add the amount of the license or privilege tax levied and assessed herein to the price of the article, it being the purpose and intent of this provision that the tax levied is in fact a levy on the consumer with the person, firm, corporation, club, or association who sells or stores or receives for the purpose of distributing the articles enumerated herein acting merely as agent of the county for the collection of the tax. The dealer, storer, or distributor shall state the amount of the tax separately from the price of the article on all price display signs, sales or delivery slips, bills and statements which advertise or indicate the price of the article. It shall be unlawful for any dealer, storer, or distributor engaged in or continuing within the county in the business for which the tax is herein required, to fail or refuse to add to the sales price and collect from the purchaser the amount due by the taxpayer on account of the tax herein provided or to refund or offer to refund all or any part of the amount collected or to absorb or advertise directly or indirectly the absorption of the tax or any portion thereof. Any person, firm, corporation, club, or association violating any of the provisions of this Section shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one hundred dollars or imprisoned in the county jail for not more than sixty days, or by both such fine and imprisonment; each act in violation of this Section shall constitute a separate offense.

Section 5. The County Commission, Board of Revenue, or other governing body of said county, subject to the provisions of this act, is hereby authorized and directed to have prepared and purchased stamps suitable for denoting the tax on all cigarettes subject to this act. The stamps shall be delivered to the probate judge of said County, who shall keep on hand for sale an adequate quantity of stamps to be affixed to each package of cigarettes subject to the tax herein levied. Each stamp shall have inscribed thereon the words "_____ (name of the particular county) County Cigarettes Tax," but such words need not be arranged in the foregoing order and may be abbreviated. Said stamps may be sold to the wholesale dealer by the probate judge at the reduced price of ninety percent of the full amount thereof, the reduced price from the full amount representing compensation to the wholesale dealer for the labor of affixing them to each package of cigarettes. All other persons except such wholesale dealer must pay the full amount of the stamps.

Section 6. Method and time of affixing stamps; unsalable cigarettes. (a) Before any cigarettes shall be sold or delivered within the limits of any county subject to the provisions of this subdivision by any wholesaler or dealer, such wholesaler or dealer shall affix to each package of cigarettes a stamp or stamps obtained from the probate judge of the county in the amount set out in this subdivision in payment of the license taxes imposed by this statute. Every dealer shall within one hour after the receipt of any cigarettes within said county, unless sooner offered for sale, cause stamps in the requisite amount of the

tax to be affixed as hereinabove stated and cause the same to be cancelled by writing or stamping across the face of each stamp a registered number furnished such dealer by the probate judge of such county. After such stamping has been begun it shall be continued with reasonable diligence by such dealer until all the unstamped cigarettes have been stamped and the stamps cancelled as herein provided but no stamps required to be affixed to any package of cigarettes shall, after the same has been affixed as herein provided be again used in payment of any part of the tax levied under this statute. Such stamp shall be affixed to each individual package of cigaretts in such a manner that its removal will require continued application of water or steam; and in such a way that the stamp will be torn in two or mutilated when such package is opened. (b) Provided, however, that where stamps have been mutilated, damaged or otherwise made unusable in being affixed to the cigarettes, the wholesale dealer to receive credit for such mutilated, damaged or otherwise unusable stamps shall make an affidavit in duplicate, one to be delivered to the license inspector and one to the probate judge of the county, such affidavit to state the cause or reason such stamps were mutilated, damaged, or otherwise made unusable, and such stamps must be inspected by the license inspector and when found to be set out in the wholesaler's affidavit certify that he found such affidavit true and correct. The probate judge shall, after the affidavit of the wholesaler is certified to by the license inspector, forthwith give the wholesaler credit for or the equivalent amount and number of mutilated, damaged or otherwise unusable stamps. Provided, further, that where cigarettes become unsalable due to the deterioration, molding, burning, aging or any other cause or causes, and cigarette tax stamps have been previously affixed to such package or packages of cigarettes and such package or packages are in the possession of the wholesale dealer, the wholesale dealer may file an application under oath with the probate judge for a refund or for the equivalent amount and number of unsalable cigarette tax stamps, such application to be on forms provided by the probate judge and approved by the license inspector. The Board of Revenue, County Commission, or other governing body of such county is hereby authorized to adopt rules and regulations upon the recommendation of the probate judge or license inspector consistent with the intent of this subsection to assist and guide the efforts of the probate judge and license inspector in performing the duties as required of them in this subsection. Such rules and regulations may require the furnishing of any affidavits, invoices or other supporting data or memoranda.

Section 7. Invoices and records required; report of receipt of unstamped cigarettes; obstructing license inspector; seizure and condemnation of unstamped cigarettes. Every wholesale dealer shall at the time of selling and/or delivering any cigarettes into a county subject to the provisions of this act make a true duplicate invoice of the same which shall show full and complete details of the sale and/or delivery of such cigarettes and shall retain the same subject to the use and inspection of the license inspector or his duly authorized deputy for a period of three years. Such wholesale dealer shall at the time of selling and/or delivering such cigarettes into a county not subject to the provisions of this act make a true duplicate invoice of the same, which invoice shall show such sales of cigarettes in such counties not subject to the provisions of this act but shall not include or be required to include sales of other articles or sales of cigarettes into counties subject to the provisions of this act. Such invoices shall show full and complete details of the sale and/or delivery of such cigarettes into counties not subject to the provisions of this act, including the name or names and addresses of the purchasers, and said wholesale dealer shall retain the same subject to the use and inspection of the license inspector or his duly authorized deputy

for a period of three years. Wholesale and retail dealers shall also keep a record of the purchase, sale, exchange, and/or receipt of all the aforesaid cigarettes and hold all books, records, cancelled checks and all other memoranda pertaining to such purchase, sale, exchange, and/or receipt for the period mentioned herein subject to the inspection of the license inspector or his duly authorized deputy and for any authorized representative or any municipality in the county, who shall have the power and authority to enter upon the premises of any dealer and to examine such cigarettes, person who purchases and/or receives, in any manner whatsoever, any cigarettes which do not have affixed a stamp required by this statute shall within three (3) days after receipt of such cigarettes report the receipt and purchase of same to the license inspector, giving the date of purchase or receipt, the name of the person or firm from whom purchased or received, and a list describing the brand and quantity of cigarettes so purchased or received. Such report must be made by registered mail or in person. It shall be unlawful for any person to interfere or obstruct the license inspector or such deputy of any authorized municipal representative in the exercise of the power and authority conferred by this statute. The license inspector shall have authority to seize without warrant any and all packages of cigarettes not properly stamped as provided by this act, provided that this provision shall not apply to cigarettes in the possession of wholesale dealers or jobbers kept for the purpose of resale of reshipment into a county not subject to the provisions of this act. After such seizure of any unstamped or improperly stamped cigarettes, such unstamped or improperly stamped cigarettes is hereby declared to be contraband goods, and upon such confiscation shall be delivered to the license inspector for sale at public auction to the highest bidder after due advertisement; the license inspector may deliver such cigarettes to the county purchasing agent to be sold at public auction as herein provided; the proceeds of the sale of any such cigarettes sold hereunder after paying all costs shall be distributed as provided under Section 10 of this act. The license inspector or his agent or any officer making the seizure shall proceed as follows: First, he shall cause a list containing a particular description of the cigarettes seized showing the quantity of each brand, the date or dates on which confiscated, and the person or persons from whom confiscated, to be prepared in duplicate. The said license inspector or officer shall proceed to post a notice for three weeks in writing at three places in the county that the seizure was made, describing the cigarettes seized, the quantity of each brand and stating the time and place and cause of their seizure, and requiring any person claiming such cigarettes to appear and make such claim within twenty-one days from the date of the first posting of such notice. Second, any person claiming such cigarettes so seized as contraband within the time specified in the notice may file with the license inspector a claim in writing stating his interest in the articles seized, and shall execute a bond to the license inspector in the penal sum equal to double the value of the cigarettes so seized, but in no case shall the said bond be less than the sum of $100 with sureties to be approved by the license inspector conditioned that in the case of condemnation of the cigarettes products the obligor shall pay to the license inspector the full value of the cigarettes so seized and all costs and expenses of the proceedings to obtain such condemnation, including a reasonable attorney's fee. Upon the delivery of such bond to the license inspector, he shall transmit the same with the duplicate list or description of the cigarettes so seized to the county attorney or to the solicitor of the county, and the said county attorney or solicitor shall file a bill in the Circuit Court in Equity to secure the forfeiture of said cigarettes and containers in which seized. Upon filing the bond as aforesaid the said cigarettes shall be delivered to the claimant pending the outcome of said case; provided, however, the proper license tax must

be paid by the claimant before said cigarettes are delivered to him by the license inspector. Third, if no claim is interposed or no bond given within the time aboved specified, such cigarettes shall be forfeited without further proceedings and the same shall be sold as herein provided. The proceedings against such cigarettes pursuant to the provisions of this section shall be considered as proceedings in rem.

Section 8. Among others the following acts and ommissions shall be unlawful: (a) It shall be unlawful for any person required by this statute to affix stamps to cigarettes to fail to affix such stamps or to cancel stamps in the manner or within the time required by this statute. (b) It shall be unlawful for any person to sell, offer for sale, or deliver within a county subject to the provisions of this act any cigarettes to which stamps have not been affixed and cancelled as provided by this statute. (c) It shall be unlawful for any person to have in his possession or under his control a package of cigarettes not properly stamped as required by this act for more than six hours after receipt of such cigarettes on the premises of such person, provided that this subsection shall not apply to cigarettes in the possession of wholesale dealers or jobbers kept for the purpose of resale or reshipment outside a county subject to the provisions of this act and which products are actually so resold or reshipped. (d) It shall be unlawful to manufacture, buy, sell, offer for sale, or possess, or to attempt any reproduction or counterfeit of the stamps provided for in this statute or to possess tools, implements, instruments, or materials of any kind necessary or appropriate to reproduce or counterfeit such stamps or to alter or cause to be altered any stamp herein provided for. (e) It shall be unlawful to remove from a package of cigarettes or otherwise prepare any stamp with intent to use or cause the same to be used after it has already been used; to buy, sell, or offer for sale, or give away any washed, removed, altered, or restored stamp to any person or to have in possession any such washed, or removed, or restored, or altered stamp or for the purpose of indicating the payment of any tax hereunder, to reuse any tax stamp which has heretofore been used for the payment of any tax provided in this act, or, except as the probate judge to sell any stamp provided for herein. (f) It shall be unlawful to reuse or refill with cigarettes any package from which cigarettes theretofore tax paid have been removed.

Section 9. (a) None of the provisions of this act shall be applied in such manner as to be violations of the commerce or other clauses of the Federal or State Constitution. (b) This statute shall not be construed to apply to cigarettes stored by a wholesale dealer for the purpose of resale or reshipment outside a county subject to the provisions of this act which are actually so resold or reshipped.

Section 10. (a) The license tax required by this act through the purchase of cigarette stamps from the probate judge shall be received by him and shall be distributed by him as follows: (1) Under the provisions of Section 13, (2) The remaining proceeds of the tax shall be deposited in a special fund to be called the Health Contingency Fund, such deposit to be allocated between and credited to the county and to each municipality therein on the basis of the ratio of the population of the unincorporated territory in the county and each of the various municipalities bears to the total county population according to the most recent Federal census, and shall be distributed and applied as hereinafter provided in subsection (b) hereof.

(b) The County Commission or other governing body shall administer the Health Contingency Fund in accordance with the provisions of this subsection (b) of this Section 10, as the health budget control agency of said county under the following procedures;

(1) At least ninety (90) days prior to the beginning of each fiscal year, the Board of Health shall submit to the County Commission or other governing body the proposed budget of the Board of Health for the next fiscal year. The budget shall show all anticipated revenues of the Board of Health for the next fiscal year, and the sources thereof, and the anticipated expenses of operating the Board of Health for such fiscal year. The proposed budget shall contain a statement reciting what appropriations the Board of Health needs for the next fiscal year from the Health Contingency Fund and reciting also the purposes for which the funds appropriated from the Health Contingency Fund for such fiscal year would be used. The Board of Health shall make available to the County Commission, at any time, information the Commission requests regarding the fiscal affairs and operation of the Board of Health.

(2) By the beginning of each fiscal year the County Commission will advise the Board of Health in writing what percentage of the deposits made to the Health Contingency Fund for the next fiscal year the County will appropriate and pay monthly to the Board of Health, which monthly payments shall not be less than Sixty percent (60%) of the total monthly deposits to such Health Contingency Fund. At any time during the fiscal year the County Commission may raise the percentage of such monthly payments paid to the Board of Health on the written application of the said Board addressed to the County Commission. During the fiscal year the Probate Judge shall promptly pay monthly to the Board of Health the monthly payments the said Commission as provided for payment to the said Board.

If the sum of the said deposits to the Health Contingency Fund during a fiscal year exceeds the payments the County Commission approves for payment to the Board of Health during such fiscal year the excess of the deposits may be used by the County Commission for health or welfare purposes only.

Distributions to the Health Contingency Fund, to the Board of Health, and to the County shall be made on or before the 5th day of the month following the month in which taxes are paid, and at the time of such distribution the Probate Judge shall deliver to the Board of Health and to the County Commission a copy of each report according to which distribution is made. An authorized representative of the Board of Health or the County or the county license inspector shall have the right to inspect the records of the maker of any report, and if by such inspection, or by an amended report of the distributor or seller, or otherwise, it be disclosed that because of any error said report the Board of Health or the County Treasury has received a greater or lesser sum than that to which it be entitled under the provisions, hereof, then said error in distribution shall be corrected upon making subsequent monthly distribution by adding or subtracting the amounts of said deficiency or excess to or from the sums due to distributed to said Board of Health or the county treasury on said monthly distribution dates; provided, however, that no such error shall be corrected more than two years after the making of such report.

Section 11. If, in any county in which this act may become operative, there is a commissioner of licenses, then, and in that event, all of the powers, authorities, and duties which, by the terms of this act, are vested or placed upon the probate judge, shall, in such counties, be vested in and be placed upon the commissioner of licenses.

Section 12. Penalty; duty of license inspector; license inspector and probate judge not entitled to compensation. Any person violating any provision of this act or doing any act made unlawful by the terms

of this act shall be guilty of a misdemeanor, except as herein otherwise of not more than $500.00 and may also be sentenced to hard labor for the county for not more than six months, either or both. Provided, however, any person who manufactures, buys, sells, offers for sale or has in his or its possession any reproduction or counterfeit of cigarette stamps provided for herein shall be guilty of a felony and upon conviction shall be punished by imprisonment in the penitentiary for not less than a year and a day nor more than five years, and in addition may be fined not less than $1,000 nor more than $5,000. It shall be the duty of the license inspector to enforce the provisions of this act and to check the records of any such person subject to the license tax imposed by this act. Neither the license inspector nor probate judge shall be entitled to any compensation for any duty imposed upon him by this act.

Section 13. The first three hundred twenty-five thousand ($325,-000.00) Dollars collected under this bill shall be deposited and held in a special fund to be called the Handicapped Contingency Fund, such deposit to be allocated between and credited to the county and to each municipality therein on the basis of the ratio of the population of the unincorporated territory in the county and each of the various municipalities bears to the total county population according to the most recent Federal census, and shall be distributed and applied as follows:

(a) The $325,000.00 deposit shall only occur one time an shall lapse after $325,000.00 has been deposited in the Handicapped Contingency Fund.

(b) If there exists in any such county a public school devoted exclusively to the education of handicapped and retarded children and further if such school has not received from any other public source funds to upgrade and renovate the physical facilities of any such school within nine months after the effective date of this Act, then the three hundred twenty-five thousand dollars ($325,000.00) shall be paid out by the Treasurer of the county upon submission of proper invoices showing completion of such upgrading and renovating work.

(c) If no such public school for handicapped or retarded children exists or if such school receives funds from any other public source then such deposit provided for in this Section shall be deposited directly to the Health Contingency Fund.

Section 14. The provisions of this act are cumulative and shall not be construed to repeal or supercede any laws not directly inconsistent herewith.

Section 15. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 16. This act shall be come effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was lost.

Yeas 8; Nays 9.

*Yeas:*

Messrs.: Armstrong, Biddle, Gafford, Jolly, LeFlore, Moore (O), Trammell and White.

—8

*Nays:*

Messrs.: Andrews, Harrison, Hilliard, Howard, Jackson (R), Leonard, McNair, Tucker and Waggoner.

—9

RULE SUSPENDED

On motion of Mr. McNair, House Rule 46 was suspended, which states that every bill whose principal purpose is to make an appropriation shall be referred to the Committee on Ways and Means before being placed on the calendar.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 12. COMMENDING THE SYLACAUGA BEAUTIFICATION COUNCIL.

Also:

H. J. R. 14. COMMENDING STEVE McMILLAN UPON BEING NAMED BALDWIN COUNTY "REALTOR OF THE YEAR."

Also:

H. J. R. 15. COMMENDING ROBERTA FULLER SPEH, NAMED BY SOUTH BALDWIN BUSINESS AND PROFESSIONAL WOMEN "WOMAN OF ACHIEVEMENT."

Also:

H. J. R. 16. CONGRATULATING MR. AND MRS. HARRIS C. GRANT ON THEIR TWENTY-FIFTH WEDDING ANNIVERSARY.

Also:

H. J. R. 17. CONGRATULATING GEORGE ENGEL FOR HIS OUTSTANDING SERVICE IN RURAL ELECTRIC COOPERATIVES, LOCALLY AND NATIONAL.

Also:

H. J. R. 20. PROCLAIMING THE 8TH ANNUAL MILLBROOK FESTIVAL, ARMED FORCES DAY CELEBRATION THE OFFICIAL MONTGOMERY AREA ARMED FORCES DAY CELEBRATION.

Also:

H. J. R. 36. CONGRATULATING JAMES A. POWELL FOR HIS ELECTION AS CONECUH COUNTY'S TEACHER OF THE YEAR.

Also:

H. J. R. 37. COMMENDING MRS. ROBERT G. KENDALL, JR. FOR HER WORK WITH THE CHRISTMAS SEAL CAMPAIGN IN CONECUH COUNTY.

McDOWELL LEE,
Secretary.

H. 168 RESUMED

Mr. Moore (O), offered the following amendment to the bill, H. 168 as amended:

Amend H. B. 168 by inserting in the title, following the word "inhabitants" and before the word "according" the following:

"except municipalities therein that lie in two or more counties"

and also inserting the same in the proper places where applicable in the body of the bill.

AMENDMENT TABLED

On motion of Mr. Tucker, the amendment offered by Mr. Moore (O) to the bill, H. 168 as amended, was tabled.

Yeas 11; Nays 7.

*Yeas:*

Messrs.: Andrews, Hall, Harrison, Hilliard, Howard, Jackson (R), Leonard, McNair, Porter, Tucker and White.

—11

*Nays:*

Messrs.: Armstrong, Biddle, Falkenburg, Jolly, Moore (O), Trammell and Waggoner.

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Mr. White offered the following amendment to the bill, H. 168 as amended:

Amend H. B. 168 by adding Section 17 to read as follows: The taxation provided for in this Act shall terminate December 31, 1976.

And the amendment was adopted.

Yeas 12; Nays 3.

*Yeas:*

Messrs.: Andrews, Armstrong, Hall, Harrison, Hilliard, Howard, Jackson (R), Leonard, McNair, Porter, Waggoner and White.

—12

*Nays*: Messrs.: Falkenburg, Moore (O), and Trammell. —3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO RECONSIDER

Having voted on the prevailing side, Mr. Waggoner offered the mo-

tion to reconsider the vote by which the substitute offered by Mr. White to the bill, H. 168 as amended, was lost.

MOTION TO TABLE LOST

The motion offered by Mr. Tucker to table the motion to reconsider offered by Mr. Waggoner, was lost.

Yeas 9; Nays 10.

*Yeas:*

Messrs.: Hall, Harrison, Hilliard, Howard, Jackson (R), Leonard, McNair, Porter and Tucker.

—9

*Nays:*

Messrs.: Andrews, Armstrong, Biddle, Falkenburg, Gafford, Jolly, Moore (O), Trammell, Waggoner and White.

—10

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO RECONSIDER ADOPTED

The question was then on the motion offered by Mr. Waggoner to reconsider the vote by which the substitute offered by Mr. White to the bill, H. 168 as amended, was lost, and the motion was adopted.

Yeas 10; Nays 9.

*Yeas:*

Messrs.: Andrews, Armstrong, Biddle, Falkenburg, Gafford, Jolly, Moore (O), Trammell, Waggoner and White.

—10

*Nays:*

Messrs.: Hall, Harrison, Hilliard, Howard, Jackson (R), Leonard, McNair, Porter and Tucker.

—9

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the substitute previously offered by Mr. White to the bill, H. 168 as amended, was adopted.

Yeas 11; Nays 9.

*Yeas:*

Messrs.: Armstrong, Biddle, Falkenburg, Hopping, Howard, Jolly, Moore (O), Porter, Trammell, Waggoner and White.

—11

*Nays:*

Messrs.: Andrews, Gafford, Hall, Harrison, Hilliard, Jackson (R), Leonard, McNair and Tucker.

—9

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO POSTPONE TABLED

On motion of Mr. White, the motion offered by Mr. Tucker to postpone the bill, H. 168, to the fifth legislative day, was tabled.

Yeas 14; Nays 4.

*Yeas:*

Messrs.: Armstrong, Biddle, Falkenburg, Gafford, Hall, Harrison, Hopping, Jolly, Leonard, Moore (O), Porter, Trammell, Waggoner and White.

—14

*Nays*: Messrs.: Hilliard, Jackson (R), McNair and Tucker. —4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 168 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 11; Nays 9.

*Yeas:*

Messrs.: Armstrong, Biddle, Falkenburg, Hopping, Howard, Jolly, Moore (O), Porter, Trammell, Waggoner and White.

—11

*Nays:*

Messrs.: Andrews, Gafford, Hall, Harrison, Hilliard, Jackson (R), Leonard, McNair and Tucker.

—9

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Martin, the rules were suspended in order to bring up out of order the bill, H. 202.

And the bill:

H. 202. To amend Section 6, Act No. 1590, 1971 Regular Session (Acts 1971, p. 2721), relative to the licensing of ambulance drivers, by excluding application of said Act No. 1590 to businesses or companies which provide free ambulance services to their employees.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 37; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Campbell, Crowe, Drake, Falkenburg, Folmar, Greer, Gregg, Hall, Holmes, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kinsey, Leonard, Lutz, McMillan, Martin, Mitchem, Naramore, Owens, Quarles, Reed, Riddick, Roberts, Smith (M), Sparks, Trammell, Waggoner, Warren and Wyatt.

—37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Waldrop:

S. J. R. 16. MOURNING THE DEATH OF WILLIAM VIRGIL RUNYAN.

Also:

By Mr. Shelby:

S. J. R. 17. COMMENDING WILLIAM GEORGE SNIDER FOR HIS TALENTED GOSPEL SINGING AND HIS UNSELFISH GENEROSITY.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, S. J. R. 16, on the Clerk's desk for one legislative day.

SENATE MESSAGE

On motion of Mr. Johnson, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 17, set out in the above and foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced:

By Mr. Carothers:

H. J. R. 45. REQUESTING THE ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD TO CEASE EFFORTS TO CIRCUMVENT A LEGISLATIVE ACT.

WHEREAS, the Legislature of Alabama during the Special Session of 1936-1937 did establish that "every hotel, restaurant, or club licensee may sell liquors in original, unbroken packages or containers as purchased from Alabama liquor stores for consumption only in that part of the club, hotel or restaurant habitually used for serving of food to guests or patrons and, in the case of hotels and clubs, to guests or members in their private rooms in the hotel or club;" and

WHEREAS, it has come to the attention of the 1975 Legislature of Alabama that the Alabama Alcoholic Beverage Control Board has by its original action attempted to circumvent the requirements of Code of Alabama 1940, Title 29, Section 21, providing for the dispensing of alcoholic beverages in miniatures; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Alcoholic Beverage Control Board be requested to cease their efforts to alter this proper legislative act except by legislative action.

Mr. Carothers offered the motion to suspend the rules and adopt the resolution, H. J. R. 45.

DIVISION OF THE QUESTION

Mr. Wyatt called for the Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Mr. Carothers to suspend the rules in order to take up for immediate consideration, the resolution, H. J. R. 45, and the motion was lost, lacking a four-fifths vote.

Yeas 29; Nays 25.

*Yeas:*

Mr. Speaker, Baker, Biddle, Campbell, Carter, Coburn, Falkenburg, Folmar, Gafford, Hall, Holmes, Howard, Jackson (F), Johnstone, Jolly, Killian, Leonard, Lutz, McCulley, McMillan, Malone, Manley, Martin, Plaster, Reed, Sasser, Taylor, Whatley and White.

—29

*Nays:*

Messrs.: Andrews, Armstrong, Barron, Callahan, Cates, Cooper, Crowe, Dial, Edwards, Gregg, Harris, Hilliard, Hopping, Jackson (R), LeFlore, Lewis, Mitchem, Naramore, Porter, Quarles, Roberts, Trammell, Tucker, Waggoner and Wyatt.

—25

And the resolution, H. J. R. 45, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

And the bill:

H. 241. Relating to any county having a population of not less than

35,000 nor more than 38,000 according to the most recent federal decennial census; authorizing the county governing body to provide for the relief of Mrs. Bertha Mae Barber for injuries sustained in an automobile accident due to a defective county road.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

*Yeas:*

Mr. Speaker, Armstrong, Barron, Campbell, Carothers, Carter, Coburn, Cooper, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Greer, Hall, Harris, Hill, Hines, Johnstone, Jolly, Kelley, Killian, LeFlore, Leonard, Lewis, Lutz, McCulley, Malone, Manley, Martin, Mitchem, Moore (W), Morris, Naramore, Plaster, Quarles, Riddick, Roberts, Sasser, Sparks, White and Wyatt.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 242. Relating to any county having a population of not less than 35,000 nor more than 38,000 according to the most recent federal decennial census; to provide for purging the lists of registered voters in Beat Seven in said counties; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, the judge of probate, and the county commission relative to the re-identification of registered voters; and providing a penalty for making a false statement in connection with re-identification.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 38, Nays 0.

*Yeas:*

Mr. Speaker, Armstrong, Barron, Campbell, Carter, Coburn, Cooper, Drake, Edwards, Falkenburg, Folmar, Gafford, Greer, Hall, Harris, Johnstone, Jolly, Kelley, Killian, LeFlore, Lewis, McCulley, McMillan, Manley, Martin, Mitchem, Moore (W), Morris, Naramore, Plaster, Reed, Roberts, Sasser, Smith (M), Sparks, Trammell, White and Wyatt.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BILLS RE-REFERRED

No objection being offered, the Speaker re-referred the bill, S. 43, from the Standing Committee on Ways and Means to the Standing Committee on Local Legislation No. 1.

No objection being offered, the Speaker re-referred the bill, S. 15, from the Standing Committee on Ways and Means to the Standing Committee on Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 5. COMMENDING L. B. STEPHENS UPON HIS RETIREMENT FOR HIS OUTSTANDING CONTRIBUTION IN THE FIELD OF PARDONS AND PAROLES AND HIS MANY YEARS OF SERVICE TO THE STATE.

Also:

H. J. R. 8. NAMING THE ALABAMA DEEP SEA FISHING RODEO, "THE OFFICIAL ALABAMA DEEP SEA FISHING RODEO".

Also:

H. J. R. 9. RECOMMENDING THAT THE BIRMINGHAM VULCANS BE ADMITTED INTO THE NATIONAL FOOTBALL LEAGUE.

Also:

H. J. R. 11. URGING THE ALABAMA CONGRESSIONAL DELEGATION TO USE THEIR PERSUASION TO INFLUENCE THE FEDERAL GOVERNMENT'S PARTICIPATION IN ALABAMA'S PILOT PRISONER RELEASE PROGRAM.

Also:

H. J. R. 18. CREATING THE CAHABA RIVER COMMISSION.

Also:

H. J. R. 19. CREATING A JOINT SUPERNUMERARY STUDY COMMITTEE.

Also:

H. J. R. 23. URGING THE SPELLING OF "BRINDLEE MOUNTAIN PARKWAY" AND "BRINDLEE MOUNTAIN" BE CORRECTED TO BRINDLEY.

Also:

H. J. R. 31. URGING THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY TO CONTINUE THE OPERATION OF THE BESSEMER DIVISION OFFICE.

Also:

H. J. R. 38. CREATING A CITIZEN'S STUDY COMMITTEE TO DETERMINE WHETHER THE ROADS AND BRIDGES IN BALDWIN COUNTY SHOULD REMAIN UNDER THE SUPERVISION OF THE STATE HIGHWAY DEPARTMENT.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced:

By Mr. Hines:

H. J. R. 46. WHEREAS, the prison system of the State of Alabama has recently come under harsh criticism for failure to provide adequate medical care for inmates, and,

WHEREAS, the State of Alabama is seeking to determine ways to improve the delivery of medical care in prisons, and,

WHEREAS, the Law Enforcement Assistance Administration, (LEAA) has given the American Medical Association a grant to develop a pilot program in six selected states for the delivery and improvement of crucially needed medical care and health services in prisons, and,

WHEREAS, these funds will be available to each participating state medical society to cover expenses for the first year of the program, now therefore be it,

RESOLVED, BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, that the Legislature of the State of Alabama endorses and supports the application of the Medical Association of the State of Alabama to be considered as one of the six states to conduct a pilot program in the American Medical Association Program to Improve Medical Care and Health Services in Jails.

On motion of Mr. Hines, the rules were suspended and the resolution, H. J. R. 46, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Owens, the rules were suspended in order to bring up out of order the bill, H. 99.

And the bill:

H. 99. To allow retired members of the Employees' and Teachers' Retirement System to become employed with any employer unit participating in the Employees' and Teachers' Retirement Systems and to prescribe the limitations therefor.

Was taken up.

Mr. Owens offered the following amendment to the bill:

On line 21, page 1, in the title of said bill, after the word "therefor" delete the period, insert a coma and the following words:

and providing retroactive application therefor.

On page 3, strike Section 4 entirely and insert in lieu thereof the following Section 4:

Section 4. The provisions of this act shall take effect January 1, 1975.

And the amendment was adopted.

Yeas 55; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Campbell, Carothers, Carter, Coburn, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Greer, Gregg, Hall,

Harris, Higginbotham, Hines, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Mitchem, Moore (W), Morris, Owens, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sasser, Smith (C), Smith (M), Sonnier, Sparks, Trammell, Tucker, Waggoner, Whatley, White and Wyatt.

—55

And the bill:

H. 99. To allow retired members of the Employees' and Teachers' Retirement Systems to become employed with any employer unit participating in the Employees' and Teachers' Retirement System and to prescribe the limitations therefor, and providing retroactive application therefor.

As thus amended was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Campbell, Carothers, Carter, Coburn, Cooper, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Greer, Gregg, Hall, Higginbotham, Hines, Jackson (F), Johnstone, Jolly, Kelley, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Martin, Mitchem, Moore (W), Morris, Naramore, Owens, Plaster, Quarles, Reed, Riddick, Roberts, Sasser, Smith (C), Smith (M), Sonnier, Sparks, Trammell, Waggoner, Whatley, White and Wyatt.

—55

## MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Morris, the rules were suspended in order to bring up out of order the bill, H. 222.

And the bill:

H. 222. Relating to the Fifth Judicial Circuit, amending Act No. 485, S. 353, Regular Session 1963, pertaining to Solicitor fees collected in Fifth Judicial Circuit.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 5.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Campbell, Carothers, Carter, Coburn, Cooper, Crowe, Falkenburg, Folmar, Gafford, Gregg, Jackson (F), Kelley, Killian, Lockett, Lutz, McCulley, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Owens, Plaster, Quarles, Reed, Riddick, Roberts, Sasser, Smith (M), Sonnier, Trammell, Waggoner, Whatley and Wyatt.

—40

*Nays:*

Messrs.: Hilliard, Howard, McCluskey, McNair and Tucker.

—5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Smith (C), the rules were suspended in order to bring up out of order the bill, H. 120.

And the bill:

H. 120. To name the Speech and Hearing Center at the University of Montevallo the "George C. Wallace Speech and Hearing Center."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Cooper, Drake, Falkenburg, Folmar, Gafford, Greer, Johnstone, Kelley, Leonard, Lewis, Lockett, Lutz, McCulley, Malone, Martin, Moore (O), Moore (W), Morris, Plaster, Reed, Riddick, Roberts, Sasser, Smith (C), Smith (M), Sparks, Trammell, Waggoner, Whatley, White and Wyatt.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Drake, the rules were suspended in order to bring up out of order the bill, H. 22.

And the bill:

H. 22. Relating to state and county prisoners; to authorize and direct the establishment of a joint state-county work-release program in each county of the state; to provide rules for establishment and operation of the program; to vest administrative and rule-making power in the board of corrections and county governing bodies; to provide for the amount and disposition of inmates' wages; to repeal or supercede conflicting laws; and to provide penalties for violations.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Greer, Gregg, Harrison, Hill, Hines, Jackson (F), Johnstone, Kelley, Kinsey, Leonard, Lewis, Lockett, Lutz,

McCulley, McMillan, Malone, Manley, Martin, Moore (O), Morris, Naramore, Owens, Reed, Riddick, Roberts, Sasser, Smith (M), Sparks, Teague, Trammell, Waggoner, Whatley and Wyatt.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. McNair, the rules were suspended in order to bring up out of order the bill, H. 128.

And the bill:

H. 128. Further amending Code of Alabama 1940, Title 22, Section 40, 42 relating to Vital Statistics, providing for equitable fees for service to county registration districts and state registration district in conformity with surrounding states.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Baker, Campbell, Carothers, Carter, Cates, Cooper, Falkenburg, Folmar, Greer, Harrison, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnstone, Kelley, Kinsey, Leonard, Lewis, Lockett, McCulley, McMillan, McNair, Manley, Martin, Mitchem, Moore (W), Owens, Riddick, Roberts, Smith (C), Smith (M), Sparks, Venable, Waggoner, Whatley and Wyatt.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Moore (W), the rules were suspended in order to bring up out of order the bill, H. 200.

And the bill:

H. 200. To amend Section 1 of Act No. 281, H. 279, Regular Session 1969 (Acts 1969, p. 614) relating to the safe transportation of pupils to and from school so as to provide certain qualifications for school transportation managers or supervisors.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 29; Nays 14.

*Yeas:*

Messrs.: Albright, Andrews, Armstrong, Barron, Biddle, Callahan, Campbell, Carothers, Carter, Cooper, Crowe, Falkenburg, Folmar, Higginbotham, Jackson (F), Lee, Lockett, Lutz, Martin, Moore (W), Owens, Quarles, Rich, Roberts, Sparks, Venable, Waggoner, Whatley and Wyatt.

—29

*Nays:*

Messrs.: Cates, Dial, Edwards, Greer, Harris, Holmes, Lewis, McNair, Morris, Reed, Riddick, Smith (M), Teague and Tucker.

—14

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Naramore, the rules were suspended in order to bring up out of order the bill, H. 148.

And the bill:

H. 148. To provide that Unemployment Insurance Fraud Investigators and certain other employees of the Department of Industrial Relations, designated in writing by the Director thereof, shall be peace officers of the State of Alabama with police power to enforce the Alabama Unemployment Compensation Law and the criminal laws of the State of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 28; Nays 1.

*Yeas:*

Messrs.: Albright, Baker, Callahan, Carothers, Carter, Cooper, Folmar, Greer, Gregg, Hines, Jackson (F), Johnstone, Lutz, McMillan, McNair, Martin, Moore (O), Moore (W), Naramore, Owens, Reed, Roberts, Sparks, Starkey, Trammell, Venable, Whatley and Wyatt.

—28

*Nay*: Mr. Lockett. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 13. COMMENDING REVEREND W. M. REEVES UPON HIS RETIREMENT.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 12. COMMENDING THE SYLACAUGA BEAUTIFICATION COUNCIL.

Also:

H. J. R. 14. COMMENDING STEVE McMILLAN UPON BEING NAMED BALDWIN COUNTY "REALTOR OF THE YEAR."

Also:

H. J. R. 15. COMMENDING ROBERTA FULLER SPEH, NAMED BY SOUTH BALDWIN BUSINESS AND PROFESSIONAL WOMEN "WOMAN OF ACHIEVEMENT."

Also:

H. J. R. 16. CONGRATULATING MR. AND MRS. HARRIS C. GRANT ON THEIR TWENTY-FIFTH WEDDING ANNIVERSARY.

Also:

H. J. R. 17. CONGRATULATING GEORGE ENGEL FOR HIS OUTSTANDING SERVICE IN RURAL ELECTRIC COOPERATIVES, LOCALLY AND NATIONAL.

Also:

H. J. R. 20. PROCLAIMING THE 8TH ANNUAL MILLBROOK FESTIVAL, ARMED FORCES DAY CELEBRATION THE OFFICIAL MONTGOMERY AREA ARMED FORCES DAY CELEBRATION.

Also:

H. J. R. 37. COMMENDING MRS. ROBERT G. KENDALL, JR. FOR HER WORK WITH THE CHRISTMAS SEAL CAMPAIGN IN CONECUH COUNTY.

Also:

H. J. R. 36. CONGRATULATING JAMES A. POWELL FOR HIS ELECTION AS CONECUH COUNTY'S TEACHER OF THE YEAR.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

## SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

## MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. LeFlore, the rules were suspended in order to bring up out of order the bill, H. 63.

And the bill:

H. 63. (With Amendment): To further amend Sections 1 and 3 of Act No. 470, S. 182, 1969 Regular Session [Acts 1969, p. 912—now appearing in Code of Alabama Recompiled 1958, Title 55, Section 488 (1) and 488 (3)], as amended, entitled "An Act to provide for and regulate the payment of expenses of state officers and employees and persons traveling on official business for the state or any of its departments, institutions, boards, bureaus, commissions, councils, committees, and other like agencies," so as to provide for increases in subsistence and mileage allowances for such employees and to exempt legislators from the $25.00 per day maximum amount allowable for in-state travel.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 63 on page 2, in Section 1, line 12, by striking therefrom the word, viz; and inserting in lieu thereof the word:

section

And the amendment was adopted.

Yeas 30; Nays 0.

*Yeas:*

Messrs.: Albright, Baker, Callahan, Campbell, Carter, Cates, Cooper, Falkenburg, Folmar, Greer, Holmes, Jackson (F), Johnstone, Lewis, Lockett, McMillan, McNair, Manley, Martin, Moore (O), Naramore, Owens, Reed, Rich, Roberts, Smith (C), Smith (M), Trammell, Venable and Wyatt.

—30

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 63 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 29; Nays 0.

*Yeas:*

Messrs.: Albright, Baker, Callahan, Campbell, Cates, Cooper, Folmar, Greer, Gregg, Jackson (F), Johnstone, Kinsey, LeFlore, Lewis, Lockett, McMillan, McNair, Martin, Owens, Plaster, Reed, Rich, Riddick, Roberts, Smith (M), Sparks, Trammell, Venable and Wyatt.

—29

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

ADJOURNMENT

On motion of Mr. Smith (M) and pursuant to the resolution, H. R. 39, heretofore adopted, the House adjourned until 11:00 o'clock a.m., Friday, November 7, 1975.

Yeas 35; Nays 24.

*Yeas:*

Messrs.: Baker, Barron, Biddle, Callahan, Carter, Cates, Cooper, Dial, Falkenburg, Folmar, Greer, Gregg, Harris, Higginbotham, Hilliard, Lee, LeFlore, Lewis, Lockett, McCulley, Malone, Merrill, Morris, Porter, Riddick, Sandusky, Sasser, Smith (M), Sonnier, Starkey, Teague, Trammell, Tucker, Warren and Whatley.

—35

*Nays:*

Messrs.: Crowe, Harrison, Hines, Holmes, Jackson (F), Johnstone, Kelley, Leonard, McMillan, McNair, Manley, Martin, Mitchem, Naramore, Owens, Quarles, Rich, Roberts, Robertson, Smith (C), Sparks, Venable, Waggoner and Wyatt.

—24

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FIFTH DAY

House of Representatives
Montgomery, Alabama
Friday, November 7, 1975

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Bryan Wilson, Pastor, Missionary Baptist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—104

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the fourth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fourth legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 28. PROVIDING FOR THE CONTINUATION OF THE JOINT COMMITTEE ESTABLISHED BY S. J. R. 97, ACT NO. 382, APPROVED SEPTEMBER 5, 1967, AND CONTINUED BY S. J. R. 101, ACT NO. 1046, APPROVED SEPTEMBER 12, 1969, AND CONTINUED BY H. J. R. 217, ACT NO. 2418, APPROVED OCTOBER 1, 1971, TO STUDY THE PROBLEMS OF INTERSTATE AND INTRASTATE HIGHWAY SAFETY GENERALLY.

Also:

H. J. R. 40. WELCOMING EXCHANGE STUDENTS FROM THE REPUBLIC OF COLOMBIA.

Also:

H. J. R. 41. CONGRATULATING JENNIE CHANDLER ON WINNING DIVING AWARD IN THE PAN AMERICAN GAMES IN MEXICO CITY.

Also:

H. J. R. 42. CONGRATULATING AND COMMENDING MISS JACKIE BEASLEY ON BEING SELECTED ALABAMA TEXTILE QUEEN.

Also:

H. J. R. 46. SUPPORTING PILOT PROGRAM OF ALABAMA MEDICAL ASSOCIATION ON HEALTH SERVICES IN JAILS.

McDOWELL LEE,
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 20. Relating to all counties having a population of not less than 50,000 nor more than 52,500 inhabitants according to the most recent federal decennial census; authorizing the county governing body of such counties to develop and establish a prisoner rehabilitation program which would include a livestock raising and farming area for the purpose of inmates occupying their time in supplementing prison food, and including the leasing or purchasing of land for such purpose and purchasing equipment and supplies incident thereto; providing that the cost for such program be paid out of the county general fund and from funds designated for prisoners' feeding allowance; and prescribing penalties for violations by inmates.

Also:

H. 12. To amend Section 3 of Act No. 2220, H. 2829, 1971 Acts of the Regular Session (Acts 1971, Vol. V, p. 3566), entitled "Relating to all counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census; to impose a tax upon the sale by liquor licensees of spirituous or vinous liquors and an additional tax on malt or brewed beverages when sold for on-premises consumption; providing for the administration of this Act and the collection and use of the proceeds; requiring permits for taxable sales of spirituous and vinous liquors and malt or brewed beverages; and providing penalties for violations of this Act," so as to delete provisions levying an additional tax on certain malt or brewed beverages, and regulate further the tax on spirituous liquor.

Also:

H. 201. Relating to all counties having a population of not less than 22,575 and not more than 23,800 inhabitants according to the most recent federal decennial census; providing for the appointment of a bailiff to serve in the circuit and county courts of such counties.

Also:

H. 132. To repeal Act No. 51, S. 326, 1971 Regular Session, (Acts 1971, p. 301), entitled "An Act Relating to counties having populations of not less than 16,350 nor more than 16,650, according to the most recent federal census; to fix compensation and traveling expenses of the Superintendent of Education; and to repeal conflicting laws."

Also:

H. 226. Relating to all counties having populations of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; to provide for and regulate the holding of a referendum election in each such county to determine whether the construction and maintenance of the county roads shall be under the supervision and control of the state highway department or the county governing body; to provide for the organization, compensation and duties of a citizen's committee in each such county to study this subject and to make a report, including recommendations, of its study before the referendum; to authorize the county governing body to pay a per diem and expenses to the members of the committee, and to provide professional and clerical assistants to the committee, provided all such expenses shall not exceed the limit herein prescribed.

Also:

H. 98. Relating to counties having a population of not less than 45,500 nor more than 52,000 inhabitants according to the most recent federal decennial census; authorizing nighttime hunting of racoons and opossums under certain conditions.

Also:

H. 153. To provide authority to the governing body of cities in this state having not less than 60,000 nor more than 70,000 people, according to the last or any subsequent Federal decennial census, to employ a special police officer; providing for his condition of employment; providing for his tenure and compensation.

Also:

H. 203. To repeal Act No. 604, H. 1753, Regular Session 1975, approved 5:00 P.M., October 1, 1975, entitled "Relating to all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the most recent federal decennial census; to provide for the compensation of certain county officers on a salary basis; to provide that the fees, commissions and allowances of such officers shall be deposited in the general fund of such counties; and to provide for the operation of the offices of such officers."

Also:

H. 205. Relating to Coosa County; to provide for the compensation of certain county officers on a salary basis; to provide that the fees, commissions and allowances or such officers shall be deposited in the general fund of the county; and to provide for the operation of the offices of such officers.

Also:

H. 207. To provide clerical assistance for certain agencies in counties having a population of not less than 65,000 nor more than 68,000.

Also:

H. 46. To make the provisions of Chapter 5, Title 26, of the 1940 Code of Alabama, as now or hereafter amended, inapplicable to all cities having a population of 250,000 or more, to any park board of such cities, to the boards and agencies authorized by such cities, and to the employees of any such city, board or agency.

Also:

H. 171. To amend Act No. 79 of the Special Session of the Legislature of Alabama of 1966, approved August 17, 1966, (Ala. Acts, 1966 Special Session, p. 106 et seq.) as heretofore amended providing in Jefferson County for the creation and maintenance of districts for fighting or preventing fires, districts for the collection and disposal of garbage and districts for both of the aforesaid purposes.

Also:

H. 187. To amend the title and Section 1 of Act No. 417, H. 278, 1975 Regular Session, approved September 18, 1975, entitled "An Act Relating to counties having populations of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to limit the liability of sheriffs for the acts of his deputies where he does not participate or where they do not act under his direction and control; to authorize the employment of an attorney out of county funds to advise and represent the sheriff," so as to correct a typographical error in the population span in order that the new population span shall read "not less than 39,500 nor more than 41,750"; to make the provisions of this Act retroactive to September 18, 1975.

Also:

H. 186. To amend the title and Section 1 of Act No. 313, H. 275, 1975 Regular Session, approved September 16, 1975, entitled "An Act Relating to counties having a population of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to provide for paying the expenses of deputy sheriffs attending any school or training program where their expenses are not otherwise provided for by law," so as to correct a typographical error in the population span in order that the new population span shall read "not less than 39,500 nor more than 41,750"; to make the provisions of this Act retroactive to September 16, 1975.

Also:

H. 227. To amend Act No. 1620, H. 2009 of the Regular Session of 1971 (Acts 1971, p. 2779), which is entitled "An Act To provide for a clerk-hire allowance for a secretary for any judge of a county court operating within the Eleventh Judicial Circuit," so as to increase the clerk-hire allowance.

Also:

H. 184. To amend the title and Section 1 of Act No. 314, H. 276, 1975 Regular Session, approved September 14, 1975, entitled "An Act Relating to counties having a population of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to authorize the county governing body of such counties to appropriate public funds to the use of rescue squads incorporated under the non-profit corporation laws of this state," so as to correct a typographical error in the population span in order that the new population span shall read "not less than 39,500 nor more than 41,750"; to make the provisions of this Act retroactive to September 14, 1975.

McDOWELL LEE,
Secretary.

## REPORT OF THE STANDING COMMITTEE ON RULES ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 5. COMMENDING L. B. STEPHENS UPON HIS RETIREMENT FOR HIS OUTSTANDING CONTRIBUTION IN THE FIELD OF PARDONS AND PAROLES AND HIS MANY YEARS OF SERVICE TO THE STATE.

Also:

H. J. R. 8. NAMING THE ALABAMA DEEP SEA FISHING RODEO, "THE OFFICIAL ALABAMA DEEP SEA FISHING RODEO."

Also:

H. J. R. 9. RECOMMENDING THAT THE BIRMINGHAM VULCANS BE ADMITTED INTO THE NATIONAL FOOTBALL LEAGUE.

Also:

H. J. R. 11. URGING THE ALABAMA CONGRESSIONAL DELEGATION TO USE THEIR PERSUASION TO INFLUENCE THE FEDERAL GOVERNMENT'S PARTICIPATION IN ALABAMA'S PILOT PRISONER RELEASE PROGRAM.

Also:

H. J. R. 18. CREATING THE CAHABA RIVER COMMISSION.

Also:

H. J. R. 19. CREATING A JOINT SUPERNUMERARY STUDY COMMITTEE.

Also:

H. J. R. 23. URGING THE SPELLING OF BRINDLEE MOUNTAIN PARKWAY AND "BRINDLEE MOUNTAIN" BE CORRECTED TO BRINDLEY.

Also:

H. J. R. 31. REQUESTING THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY TO CONTINUE OPERATION OF THE OFFICE OF THE BESSEMER DIVISION OF THE JEFFERSON COUNTY COURT HOUSE.

Also:

H. J. R. 38. CREATING A CITIZEN'S STUDY COMMITTEE TO DETERMINE WHETHER THE ROADS AND BRIDGES IN BALDWIN COUNTY SHOULD REMAIN UNDER THE SUPERVISION OF THE STATE HIGHWAY DEPARTMENT.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 31. To amend Act No. 1159, S. 278 of the 1975 Regular Session, which provides for an additional circuit judgeship in the 38th Judicial Circuit, so as to make the provisions thereof relative to the time of appointment and the term of service of the first additional judge and his successors comply with Section 153 of the Constitution of 1901, as amended, and to correct a clerical error in the Act.

Also:

H. 73. To amend Section 2 of Act No. 478, Regular Session, 1961, dealing with composition of, appointment, terms and compensation of members; officers, rules and regulations of museum boards of any municipality in the State of Alabama having a population of not less than one hundred thousand (100,000) nor more than two hundred thousand (200,000) according to the last or any subsequent federal decennial census.

Also:

H. 213. To amend Section 1 of Act No. 626, H. 815, approved September 8, 1967 (Acts of Alabama, Organizational Special Regular Session 1967, Volume 2, Page 1430), an act entitled "To provide clerical assistance to the Circuit Clerk, Probate Judge, Tax Assessor, Tax Collector, Register in Chancery, County Judge and Sheriff of Cherokee County, Alabama, to provide for the selection, employment and discharging of such assistants, to fix their compensation and provide for the payment therefor out of the county funds", so as to include in paragraph 1 of said Section 1 the Office of the Deputy Solicitor; to repeal Act No. 197, H. 214, Special Session 1967 (Acts 1967, P. 243), as amended.

Also:

H. 179. Relating to counties having a population of not less than 34,875 nor more than 36,000 inhabitants according to the most recent federal decennial census, allowing the municipal governing bodies of the three largest municipalities located in any such counties to determine the closing hours for places selling alcoholic beverages within their respective police jurisdiction.

Also:

H. 172. Relating to counties having not less than 38,100 nor more than 40,500 population, according to the most recent federal decennial census; to provide a secretary for the District Attorney of the Circuit Court serving any such county.

Also:

H. 167. Relating to Elmore County; to provide an additional expense allowance for the county license inspector, and furnishing proof thereof.

Also:

H. 32. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue

shall collect all severance taxes on coal levied by any such county; authorizing said Department of Revenue to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections.

Also:

H. 30. Relating to Jackson County; to provide further for the payment of additional expense allowances to the chairman of the Board of Revenue of Jackson County.

Also:

H. 21. Relating to counties having a population of not less than 50,000 nor more than 52,500 according to the most recent federal decennial census; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of any such counties; and providing penalties for violation hereof.

Also:

H. 135. To amend further Section 3 of Act No. 1945, H. 584, Regular Session of the 1971 Alabama Legislature (Acts 1971 Regular Session, p. 3143), which authorizes, provides for, and regulates the employment and compensation of a county engineer or a chief engineer of the Division of Public Roads in each county in the state, and prescribes his qualifications, so as to provide that in Cleburne County the county engineer need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of said county engineer's salary.

Also:

H. 136. Relating to all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the most recent federal decennial census; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Also:

H. 33. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all gasoline taxes levied in such counties, and authorizing said Department to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections.

McDOWELL LEE,
Secretary.

## REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, H. J. R. 45, and ordered same returned to the House with a favorable report:

REQUESTING THE ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD TO CEASE EFFORTS TO CIRCUMVENT A LEGISLATIVE ACT.

On motion of Mr. Carothers, the resolution, H. J. R. 45, was adopted.

## BILLS ON SECOND READING

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 266. To provide authority for the government and control by civil service regulations of the employees of any city having a population of not less than 9,500 nor more than 10,000 inhabitants according to the most recent federal decennial census; to provide for a civil service board in said cities and to fix its duties, authorities, powers and compensation.

## RESOLUTIONS

The following resolutions were introduced:

By Rules Committee:

H. R. 47. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made special, paramount and continuing order of business on the 5th Legislative Day, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills

Uncontested Local Bills

| | | |
|---|---|---|
| S. B. 80 | page 47 | Workmen's Compensation |
| S. B. 50 | page 53 | State Troopers |
| S. B. 96 | page 72 | Industrial Bonds |
| S. B. 25 | page 53 | District Attorney—Madison County |
| S. B. 84 | page 61 | Prison System |
| S. B. 113 | page 61 | Prison System |
| S. B. 94 | page 61 | Prison System |
| S. B. 51 | page 59 | Prison System |
| S. B. 102 | page 62 | Audiologist |
| S. B. 138 | page 62 | Optometry |
| S. B. 39 | page 51 | Legislative Reference Service |
| S. B. 106 | page 52 | Code Revision |
| S. B. 34 | page 55 | Veterans |
| S. B. 100 | page 57 | Public Service Commission |
| S. B. 42 | page 54 | Fire Ants |
| S. B. 37 | page 63 | Regulates Advertising |
| S. B. 123 | page 60 | Probate Judges Fees |
| S. B. 81 | page 49 | Druid Hospital |
| S. B. 55 | page 54 | County Engineers |

| | | |
|---|---|---|
| H. B. 93 | page 21 | Pensions & Security |
| H. B. 238 | page 34 | Pensions & Security |
| H. B. 65 | page 22 | Ft. Morgan |
| S. B. 85 | page 58 | Constitutional Amendment |
| S. B. 47 | page 58 | Full-time officials retirement |

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 47, was adopted.

Also:

By Mr. Crowe:

H. J. R. 48. COMMENDING AND THANKING REVEREND GUS NICHOLS FOR HIS MANY CONTRIBUTIONS TO JASPER AND WALKER COUNTY.

WHEREAS, Reverend Gus Nichols of Walker County has spent his 85 years contributing immeasurably to the betterment of the citizens of this State, and Jasper and Walker County in particular; and

WHEREAS, this venerable gentleman has enriched the lives he has touched not only in this nation but also in Europe and the Mideast where he has preached extensively; and

WHEREAS, the Reverend Nichols has perfromed his ministry by: Serving the Sixth Avenue Church of Christ for over 40 years; serving on the Boards of Trustees of Alabama Christian College in Montgomery and the Childhaven Children's Home in Cullman; and speaking over a 40-year period at the Freed-Hardeman College, Henderson, Tennessee; and

WHEREAS, the Reverend Nichols has distinguished himself as an orator, debator and author of eight books; and

WHEREAS, in 1966 the Magic Valley Christian College in Iowa conferred an honorary doctorate degree on the Reverend Nichols; and

WHEREAS, the Reverend Nichols has eight fine children—four sons who are ministers and four daughters, all who married ministers; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily commend the Reverend Gus Nichols whose way of life has inspired us and we do express to him our appreciation and deep admiration for all of his many contributions to his fellow man which will remain forever as a monument to him.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent by the Clerk of the House to the Reverend Gus Nichols.

On motion of Mr. Crowe, the rules were suspended and the resolution H. J. R. 48, was adopted.

Also:

By Mr. Owens:

H. R. 49. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, That pursuant to a Notice in

Writing duly filed the House Rule 46 be amended by adding at the end thereof the following:

"No provisions of this Rule shall apply to local bills."

Mr. Owens offered the following amendment to the resolution:

Amend H. R. 49 by adding the following at the end thereof:

"that do not affect state revenue."

And the amendment was adopted.

And the resolution, H. R. 49 as amended, was adopted.

Yeas 71; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hines, Holley, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCulley, McMillan, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Reed, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Taylor, Teague, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—71

Also:

By Mr. Robertson:

H. R. 50. PRAISING WILLIAM GEORGE "W. G." SNIDER FOR HIS GOSPEL SINGING.

WHEREAS, W. G. Snider, born in the coal mining community of Cedar Cove in East Tuscaloosa County, is widely and affectionately called West Alabama's favorite singing man; and

WHEREAS, his intense love of gospel music prompted his study of music under Mrs. Harry Neal Eddins, a widely known soprano, and later lead him to organize his famous "Rainbow Quartet" some 35 years ago; and

WHEREAS, W. G. and his "Rainbow Quartet" have performed on radio, television and live concerts thousands of times over the past 35 years, singing without compensation at literally thousands of funerals; and

WHEREAS, God willing, W. G. will continue to bring his fans the conforting sounds of beautiful gospel music for many years to come; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That we heartily praise Mr. W. G. Snider for his gospel singing.

RESOLVED FURTHER, That a copy of this resolution be sent to Mr. Snider.

On motion of Mr. Robertson, the rules were suspended and the resolution, H. R. 50, was adopted.

Also:

By Messrs.: Johnson, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. J. R. 51. COMMENDING TAYLOR HARDIN AND STAFF FOR PROGRESS IN THE MENTAL HEALTH FIELD.

WHEREAS, General Taylor Hardin and his fine staff, especially Dr. Robert Sanders, have made tremendous strides in securing a quality mental health program for this state; and

WHEREAS, Taylor Hardin and his distinguished associates have helped remove Alabama from the bottom of the list in the field of mental health; and

WHEREAS, Alabama now has a model program in the area of mental health services, of which all Alabamians can be proud; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend General Taylor Hardin and his staff for their outstanding contributions in the field of mental health.

RESOLVED FURTHER, That General Taylor Hardin and Dr. Robert Sanders each receive a copy of this resolution.

On motion of Mr. Johnson, the rules were suspended and the resolution, H. J. R. 51, was adopted.

Also:

By Mr. Carothers:

H. R. 52. WHEREAS, anyone who can be a Captain of a bus going to a football game and returning and in so doing maintain his sanity, dignity and decorum, and most assuredly his sanity, and

WHEREAS, any man escorting such a group to an Auburn football game, particularly in these trying times, and not end up in some institution, deserves noteworthy praise, and

WHEREAS, Lamar Coe, Jack Bolt and Ray Warren are captains of the Auburn sojourns while traveling with the Wiregrass Auburn Club and did maintain their dignity, decorum and sanity

NOW THEREFORE BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA THAT Lamar Coe, Jack Bolt, and Ray Warren be commended and given our most heartfelt congratulations for performing the aforesaid duties, and we particularly

commend them for a job well done. This in no way implies that there was any imbibing on said trips by any member of any club.

BE IT FURTHER RESOLVED That a copy of this resolution be given to these three members of the sobriety race.

On motion of Mr. Carothers, the rules were suspended and the resolution, H. R. 52, was adopted.

## BILLS ON THIRD READING

And the bill:

H. 257. Relating to counties having a population of not less than 27,900 nor more than 33,500 inhabitants according to the most recent federal decennial census; providing for the compensation of bailiffs in such counties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—79

And the bill:

H. 260. To provide an expense allowance for each member of the county commission of all counties having a population of not less than 27,900 nor more than 33,500 inhabitants according to the most recent federal decennial census, which shall supersede any provision heretofore made for expense allowances of such commissions; and providing that the provisions of this Act shall have a retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—79

And the bill:

S. 6. Relating to all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the most recent federal decennial census; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Was read a third time at length and passed.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—79

And the bill:

S. 9. Relating to the election of members of the county board of education in counties having a population of not less than 18,500 nor more than 20,500 inhabitants according to the most recent federal decennial census, and repealing conflicting laws.

Was read a third time at length and passed.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—79

And the bill:

S. 12. To amend Section 1 of Act No. 626, H. 815, approved September 8, 1967 (Acts of Alabama, Organizational Special Regular Session 1967, Volume 2, Page 1430), an act entitled "To provide clerical assistance to the Circuit Clerk, Probate Judge, Tax Assessor, Tax Collector, Register in Chancery, County Judge and Sheriff of Cherokee County, Alabama, to provide for the selection, employment and discharging of such assistants, to fix their compensation and provide for the payment therefor out of the county funds", so as to include in paragraph 1 of

said Section 1 the Office of the Deputy Solicitor; to repeal Act No. 197, H. 214, Special Session 1967 (Acts 1967, P. 243), as amended.

Was read a third time at length and passed.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—79

And the bill:

S. 14. Relating to any county having a population of not less than 35,000 nor more than 38,000 according to the most recent federal decennial census; authorizing the county governing body to provide for the relief of Mrs. Bertha Mae Barber for injuries sustained in an automobile accident due to a defective county road.

Was read a third time at length and passed.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—79

And the bill:

S. 16. Relating to any judicial circuit composed of a county having a population between 60,000 and 65,000 inhabitants according to the most recent or any subsequent federal decennial census; to provide for the fixing of fees of official court reporters of such judicial circuit to be taxed as court costs.

Was read a third time at length and passed.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial,

Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—79

And the bill:

S. 17. (With Amendment): Relating to the largest city in all counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the most recent or any subsequent federal decennial census; to empower recorders courts in said counties to suspend sentences or grant probation under certain conditions.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend Senate Bill 17, page 1, line 13 by striking the words and inserting in lieu thereof the words Relating to the two largest cities in all counties.

Also amend Senate Bill 17, page 1, lines 20 and 21 by striking the words and inserting in lieu thereof the words Section 1. All recorders courts in the two largest cities

And the amendment was adopted.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—79

And the bill, S. 17 as thus amended, was read a third time at length and passed.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore,

Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—79

And the bill:

S. 31. (With Amendments): Relating to Etowah County, Alabama; levying a privilege license tax upon the sale, use or consumption, distributing, storing or withdrawing from storage, of malt or brewed beverages within Etowah County, providing for the collection and distribution of the proceeds of said tax; providing for the administration of the Act; providing penalties for violations of the Act; repealing conflicting laws, including municipal ordinances; providing that this Act be severable; and providing for the effective date hereof.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend Senate Substitute to S. B. 31 in Section 3, Page 4, immediately following Line 14 by adding a new Section E(1) as follows:

"E (1) For draft beer sold and delivered within in all areas in Etowah County, all proceeds from the ½¢ per ounce privilege license tax to be distributed according to the following percentage:

83.33 1/3% (5¢ per 12 ounces) to the city and county boards of education in Etowah County, to be divided pro rata among them in accordance with the most recent average daily attendance figure to be used for capital outlay purposes, renovation and repairs.

16.66 2/3% (1¢ per 12 ounces) to the municipalities in Etowah County within which draft beer is sold at retail, to be divided among them pro rata according to the population as established in the most recent federal decennial census."

And the amendment was adopted.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

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The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend the Senate substitute to S. B. 31 by inserting on page 1, line 26, immediately following the word "county," the following words:

, the Etowah County Commission,

and also by inserting on page 10, line 17, immediately following the word "Gadsden," the following words:

and the Gadsden School Board

also by deleting on page 10, line 18, the word "expenses" and inserting in lieu thereof the word: costs

also by inserting on page 10, line 19, following the word "act," the following words:

and other necessary services and expenses

And the amendment was adopted.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—79

And the bill, S. 31 as thus amended, was read a third time at length and passed.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—79

And the bill:

S. 32. To create a board of trustees of the policemen and firemen's retirement fund of the City of Gadsden, Alabama to provide for the

composition of said board; to provide for a secretary-treasurer of said board and custodial care of such funds; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pension; to provide the amounts payable to widows or dependents; and to provide appeals from any decision of said board.

Was read a third time at length and passed.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—79

And the bill:

S. 45. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all gasoline taxes levied in such counties, and authorizing said Department to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections.

Was read a third time at length and passed.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—79

And the bill:

S. 46. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue

shall collect all severance taxes on coal levied by any such county; authorizing said Department of Revenue to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections.

Was read a third time at length and passed.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—79

And the bill:

S. 76. Relating to all counties having populations of not less than 57,000 nor more than 61,000; providing further for the compensation and expenses of the circuit clerk and register in such counties.

Was read a third time at length and passed.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—79

And the bill:

S. 79. Relating to Marion County, Alabama, providing for a secretary for the courts of such county, prescribing the means of appointment and removal, the duties and compensation therefor.

Was read a third time at length and passed.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin,

Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—79

And the bill:

S. 136. Relating to all counties having a population of 90,000 to 100,000 inhabitants according to the most recent federal decennial census; to provide provisions whereby any local act applying to barber commissions in all such counties can become inoperative; to provide provisions whereby if such act becomes inoperative, the act can be made operative again; to provide the powers of the commission should the local act become inoperative; and to provide for maintaining a contingency fund.

Was read a third time at length and passed.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—79

And the bill:

S. 19. Relating to all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census to authorize the governing body and election officials of those counties which use voting machines which produce printouts that contain all required data regarding registering or recording and computing the vote at all elections to use such printout sheets and to make any required certificates or statements thereon; providing that such shall satisfy the provisions of Alabama Code 1940, Title 17, Chapter 1, Article 7.

Was read a third time at length and passed.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone,

Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—79

And the bill:

S. 24. Providing further for the solemnization of marriages in counties having populations of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; providing for the appointment of a person authorized to solemnize marriages in each such county in addition to those persons now authorized by law to solemnize marriages; prescribing the qualifications, term of office, powers and duties of persons hereby authorized to solemnize marriages; and providing that any charge for a marriage ceremony shall not exceed the amount allowed the probate judge for such ceremony.

Was read a third time at length and passed.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—79

And the bill:

S. 21. This bill repeals Act No. 1167, S. 1179 of the Regular Session of the Legislature of 1975, approved October 10, 1975 (m.s.), entitled: "An Act To provide for Supernumerary-Retired Probate Judges in all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census; to prescribe the qualifications, term, duties, powers, authority, compensation and benefits of such supernumeraries; to provide for a Probate Judges Retirement Fund in such counties; to regulate the administration and supervision of said fund and to repeal all conflicting statutes."

Was read a third time at length and passed.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens,

Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—79

And the bill:

H. 262. To provide retirement benefits for elected officials in any municipality in the State of Alabama having a population, according to the most recent federal census, between 175,000 and 225,000 persons, and to provide for the payment of such benefits.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—79

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Carter and Jackson (R) voting "Yea" on all local bills.

And the bill:

H. 158. (With Substitute): To amend the Act providing for the disposition and use of a certain portion of the funds received by counties having a population of not less than 300,000 nor more than 600,000 under the provisions of Act Number 2, H. 47, Regular Session 1945 (Acts 1945, p. 20) so as to provide further for the distribution.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 3, said committee substitute being as follows:

To amend the Act providing for the disposition and use of a certain portion of the funds received by Mobile County under the provisions of Act Number 2, H. 47, Regular Session 1945 (Acts 1945, p. 20) so as to provide further for the distribution.

Be It Enacted by the Legislature of Alabama:

Section 1. Amend Section 1 of Act Number 870, 1975 Regular Session to read as follows:

"Section 1. The County Commission of Mobile County is hereby authorized and directed to appropriate and pay each year in twelve monthly installments fifty percent (50%) or $100,000, whichever is less,

(such $100,000 maximum limit to apply only until, and to expire on, October 1, 1977) of all funds received by Mobile County under the provisions of Section 8 (c) and Section 8 (d) of Act Number 2, H. 47, Regular Session 1945 (Acts 1945, p. 20), as amended, providing for the levy of an oil and gas severance tax to the Mobile County Board of Health which shall be used exclusively for general health within the county and the remaining amount to the Mobile County Board of Education which shall be used exclusively for public school purposes within the county. Beginning on October 1, 1977, and continuing thereafter, 50% of such tax funds so received shall be paid to such Board of Health for such general health purposes and the remaining 50% of such tax funds so received shall be paid to such Board of Education for such public school purposes.

Section 2. This Act shall become effective on the first day of the month next following its passage and approval by the Governor or its otherwise becoming law.

And the substitute was adopted.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—79

And the bill:

H. 158. To amend the Act providing for the disposition and use of a certain portion of the funds received by Mobile County under the provisions of Act Number 2, H. 47, Regular Session 1945 (Acts 1945, p. 20) so as to provide further for the distribution.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—79

And the bill:

S. 62. To provide that One Thousand ($1,000.00) Dollars shall be transferred each month from the District Attorney's Fund of Madison County into the General Fund of Madison County to help defray the cost of providing parking for petit and grand jurors in said County.

Was read a third time at length and passed.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—79

And the bill:

S. 147. (With Amendment): Relating to all counties having a population of not less than 150,000 nor more than 180,000 inhibitants according to the most recent federal decennial census; to provide that the county commission or other like governing body of such counties shall have the power to levy and collect additional privilege license taxes, excise taxes, ad valorem taxes, and sales and use taxes; provided, however any such tax levied by said governing bodies shall be subject to approval of the majority of the voters in said county in elections called for by said governing board for this purpose; to provide for the disposition of the proceeds of such taxes; and to prohibit the authority to levy and collect such taxes on gross proceeds or occupations.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 4, said committee amendment being as follows:

Amend Substitute to Senate Bill 147 by deleting Section 3 in its entirety and substitute in lieu thereof the following:

Section 3. Any such tax levied by said governing bodies shall become law either with or without a referendum in the sole discretion of said governing bodies; in the event said governing bodies provide that said tax levied shall become law only upon approval of a majority of those voting in any election called for by said governing body for such purpose, then said election shall be held not less than 30 days nor more than 90 days after said county governing body adopts such a resolution.

And the amendment was adopted.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial,

Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—79

Mr. Barron offered the following amendment to the bill, S. 147 as amended:

Amend Substitute for Senate Bill 147 by deleting the Synopsis in its entirety and substituting in lieu thereof the following:

Relating to all counties having a population of not less than 150,000 nor more than 180,000 inhibitants according to the most recent federal decennial census; to provide that the county commission or other like governing body of such counties shall have the power to levy and collect additional privilege license taxes, excise taxes, alcoholic beverage taxes, ad valorem taxes, and sales and use taxes; providing that any such tax levied by said governing bodies shall become law either with or without a referendum in the sole discretion of said governing bodies; to provide for the disposition of the proceeds of such taxes; and to prohibit the authority to levy and collect such taxes on gross proceeds or occupations.

And the amendment was adopted.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—79

And the bill, S. 147 as thus amended, was read a third time at length and passed.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser,

Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—79

And the bill:

S. 43. To amend Act No. 1159, S. 278 of the 1975 Regular Session, which provides for an additional circuit judgeship in the 38th Judicial Circuit, so as to make the provisions thereof relative to the time of appointment and the term of service of the first additional judge and his successors comply with Section 153 of the Constitution of 1901, as amended, and to correct a clerical error in the Act.

Was read a third time at length and passed.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—79

And the bill:

S. 15. To provide for supplementing the salaries or compensation paid to retired or supernumerary Circuit Judges in the 37th Judicial Circuit.

Was read a third time at length and passed.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—79

And the bill:

S. 26. To make the provisions of Chapter 5, Title 26, of the 1940 Code of Alabama, as now or hereafter amended, inapplicable to all cities having a population of 250,000 or more, to any park board of such cities,

to the boards and agencies authorized by such cities, and to the employees of any such city, board or agency.

Was read a third time at length and passed.

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

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## RESOLUTIONS

The following resolutions introduced on the fourth legislative day were read by title pursuant to Joint Rule 11:

H. J. R. 43. COMMENDING CAROL HOOD WARREN, NAMED "WOMAN OF ACHIEVEMENT" BY WALKER COUNTY HOME EXTENSION CLUBS.

H. J. R. 44. MOURNING THE DEATH OF EDGAR FILES, RESIDENT OF CARBON HILL, ALABAMA.

S. J. R. 16. MOURNING THE DEATH OF WILLIAM VIRGIN RUNYAN.

On motion of Mr. Manley, the resolutions were adopted en masse.

## SPECIAL ORDER

The House then proceeded with the consideration of bills on the Special Order.

And the bill:

S. 80. (With Substitute): To amend Section 259, subsection (d) of Section 262, Section 263, Section 272, Section 279, Section 283, Section 289, Section 293, Section 299, Section 312, all being of Chapter 5 Title 26, Code of Alabama 1940, as amended, Sections 7, 13, and 17 of Act No. 180, adopted at the 1951 Regular Session of the Legislature of Alabama, as amended, Sections 6, 12, and 16 of Act No. 521, adopted at the 1967 Regular Session of the Legislature of Alabama, as amended, and Sections 6, 12 and 16 of Act No. 668, adopted at the 1971 Regular Session of the Legislature of Alabama, as amended, relating to extraterritorial coverage of employees subject to the workmen's compensation laws of Alabama, providing compulsory coverage for employers who do not regularly employ less than three employees, extending immunity from suit by employees to other employees not acting in supervisory positions for the employer and to Unions and union representatives making safety inspections, defining permanent total disability and extending benefits for permanent total disability for the duration of the disability, fixing the employer's and the second injury trust fund's liability in the event a second injury produces permanent total disability, permitting

credit for the payment of benefits for temporary total disability against the compensation payable for permanent partial disability resulting from an unscheduled injury only, providing for vocational rehabilitation under certain circumstances, establishing the effect of the procurement of gainful employment on permanent total disability benefits, increasing the percentage of a decedent's employee's average weekly wages to which one dependent is entitled, fixing the minimum weekly benefit at 25% of the average weekly wage of the state as determined by the director of industrial relations and the maximum weekly benefit at 66-2/3% of such average weekly wage, and providing for certain periodic changes in the minimum and maximum weekly benefit and the total amount of compensation payable, eliminating any time or dollar limit for compensable medical expenses and giving an employee the right to reject the first two physicians selected by the employer, establishing the effect of the recovery of damages from a third party by an employee suffering a permanent total disability, permitting lump sum payments of compensation with commutation upon approval of the court and by agreement of the parties and amending the acts providing for compensation for occupational pneumonoconiosis, occupational exposure to radiation, and certain occupational disease to make the amendments described above applicable to those acts, all relating to the statutory plan for the compensation of employees for job-related injuries and certain illnesses and diseases.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 259, subsection (d) of Section 262, Section 263, Section 272, Section 279, Section 283, Section 289, Section 293, Section 299, Section 312, all being of Chapter 5 Title 26, Code of Alabama 1940, as amended, Sections 7, 13, and 17 of Act No. 180, adopted at the 1951 Regular Session of the Legislature of Alabama, as amended, Sections 6, 12, and 16 of Act No. 521, adopted at the 1967 Regular Session of the Legislature of Alabama, as amended, and Sections 6, 12 and 16 of Act No. 668, adopted at the 1971 Regular Session of the Legislature of Alabama, as amended, relating to extraterritorial coverage of employees subject to the workmen's compensation laws of Alabama, providing compulsory coverage for employers who do not regularly employ less than three employees, extending immunity from suit by employees to other employees of the employer, to the employer's workmen's compensation insurance carrier and to certain persons or unions making safety inspections, defining permanent total disability and extending benefits for permanent total disability for the duration of the disability, fixing the employer's and the second injury trust fund's liability in the event a second injury produces permanent total disability, permitting credit for the payment of benefits for temporary total disability against the compensation payable for permanent partial disability resulting from an unscheduled injury only, providing for vocational rehabilitation under certain circumstances, establishing the effect of the procurement of gainful employment on permanent total disability benefits, increasing the percentage of a decedent's employee's average weekly wages to which one dependent is entitled, fixing the minimum weekly benefit at 25% of the average weekly wage of the state as determined by the director of industrial relations and the maximum weekly benefit at

66-2/3% of such average weekly wage, and providing for certain periodic changes in the minimum and maximum weekly benefit and the total amount of compensation payable, eliminating any time or dollar limit for compensable medical expenses and giving an employee the right to reject the first two physicians selected by the employer, establishing the effect of the recovery of damages from a third party by an employee suffering a permanent total disability, permitting lump sum payments of compensation with commutation upon approval of the court and by agreement of the parties and amending the acts providing for compensation for occupational pneumonoconiosis, occupational exposure to radiation, and certain occupational disease to make the amendments described above applicable to those acts, all relating to the statutory plan for the compensation of employees for job-related injuries and certain illnesses and diseases.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 259 of Title 26, Code of Alabama 1940, as last amended, is hereby amended to read as follows:

Section 259. Extraterritorial Coverage.

(A) If an employee, while working outside of this state, suffers an injury on account of which he, or in the event of his death, his dependents, would have been entitled to the benefits provided by this act had such injury occurred within this state, such employee, or in the event of his death resulting from such injury, his dependents, shall be entitled to the benefits provided by this act, provided that at the time of such injury.

1. his employment was principally localized in this state, or

2. he was working under a contract of hire made in this state in employment not principally localized in any state, or

3. he was working under a contract of hire made in this state in employment principally localized in another state whose workmen's compensation law was not applicable to his employer, or

4. he was working under a contract of hire made in this state for employment outside the United States.

(B) The payment or award of benefits under the workmen's compensation law of another state, territory, province, or foreign nation to an employee or his dependents otherwise entitled on account of such injury or death to the benefits of this act shall not be a bar to a claim for benefits under this act; provided that claim under this act is filed within the time limits set forth in Section 296. If compensation is paid or awarded under this act:

1. The medical and related benefits furnished or paid for by the employer under such other workmen's compensation law on account of such injury or death shall be credited against the medical and related benefits to which the employee would have been entitled under this act had claim been made solely under this act;

2. The total amount of compensation paid or awarded the employee under such other workmen's compensation law shall be credited against the total amount of compensation which would have been due the employee under this act, had claim been made solely under this act;

3. The total amount of death benefits paid or awarded under such other workmen's compensation law shall be credited against the total amount of death benefits due under this act.

(C) The recovery of any compensation benefits under the law of any other state shall bar any common law or statutory right of action for damages that an employee or his dependents might otherwise have had against the employer or the officers, directors or employees of the employer as a result of the injury or death on account of which such compensation benefits were paid.

(D) If, as a result of an employment principally localized in another state, an employee of an employer who would have been subject to this act had the contract of employment been entered into in this state for performance in this state, suffers injury or death as a result of an accident occurring in this state, compensation and medical, surgical and hospital benefits on account of such injury or death may be recovered under this act.

(E) As used in this section:

1. "United States" includes only the states of the United States and the District of Columbia;

2. "state" includes any state of the United States, or the District of Columbia;

3. A person's employment is principally localized in this or another state when his employer has a place of business in this or such other state and he regularly works at or from such place of business, or if he is domiciled and spends a substantial part of his working time in the service of his employer in this or such other state;

4. An employee whose duties require him to travel regularly in the service of his employer in this and one or more other states may, by written agreement with his employer, provide that his employment is principally localized in this or another such state, and, unless such other state refuses jurisdiction, such agreement shall be given effect under this act.

Section 2. Subsection (d) of Section 262, Title 26, Code of Alabama 1940, as last amended, is hereby amended to read as follows:

(d) The term "employer" as used herein shall mean every person not excluded by Section 263 of this title who employs another to perform a service for hire and to whom the "employer" directly pays wages, and shall include any person or corporation, co-partnership, or association, or group thereof, and shall, if the employer is insured, include his insurer, such insurer being entitled to the employer's rights, immunities and remedies under this chapter, as far as applicable, and shall not include one who regularly employs a number less than three in any business; however notwithstanding any section of articles 1 and 2 of this chapter, in no event shall a common carrier by motor vehicle operating pursuant to a certificate of public convenience and necessity be deemed the "employer" of a leased-operator or owner-operator of a motor vehicle or vehicles under contract to such a common carrier.

Section 3. Section 263, Title 26, Code of Alabama 1940, as last amended, is hereby amended as follows:

Section 263. Articles 1 and 2 of chapter not applicable to certain employments. Articles 1 and 2 of this chapter shall not be construed or held to apply to domestic servants, to farm laborers whose employers have not filed an election to become subject to this chapter, or to persons whose employment at the time of the injury is casual, and not in the usual course of the trade, business, profession or occupation of the employer, or to any employer, who regularly employs less than three

employees in any one business or to any municipalities having populations of less than 2,000 according to the most recent federal decennial census or school district. Any employer who regularly employs less than three employees in any one business, any farmer, or any municipalities having populations of less than 2,000 according to the most recent federal decennial census or school district may accept the provisions of articles 1 and 2 of this chapter by filing written notice thereof with the Department of Industrial Relations, a copy thereof to be posted at the place of business of said employer and provided further, that any employer who has so elected to accept the provisions of articles 1 and 2 of this chapter may at any time withdraw the acceptance by giving like notice of withdrawal.

Section 4. Section 272, Title 26, Code of Alabama 1940, as last amended, is hereby amended to read as follows:

Section 272. Excluding other remedies.

The rights and remedies herein granted to an employee shall exclude all other rights and remedies of said employee, his personal representative, parent, dependents or next of kin, at common law, by statute or otherwise on account of said injury, loss of services or death; and except as herein provided in article 1 and article 2 (as the case may be) of this chapter, no employer included within the terms of this chapter, and no officer, director, agent, servant or employee of such employer shall be held civilly liable for any personal injury to or death of any workman who is an employee of the same employer and whose injury or death is due to accident while engaged in the service or business of the employer, the cause of which accident originates in the employment. Nothing in this section shall be construed to relieve any person from criminal prosecution for failure or neglect to perform any duty imposed by law. The immunity from civil liability shall extend to any workmen's compensation insurance carrier of such employer and to any officer, director, agent, servant, or employee of such carrier; and such immunity shall further extend to any labor union, or any official or representative thereof, making a safety inspection for the benefit of the employer or its employees.

Section 5. Section 279. Title 26, Code of Alabama 1940, as last amended, is hereby amended to read as follows:

Section 279. Compensation shall be payable as follows:

(A) Temporary Total Disability.

For injury producing temporary total disability, sixty-six and two-thirds percent of the average weekly earnings received at the time of injury, subject to a maximum and minimum weekly compensation as stated in section 289 of this title; but if at the time of injury the employee received average weekly earnings of less than the minimum stated in section 289 of this title, then he shall receive the full amount of such average weekly earnings per week. This compensation shall be paid during the time of such disability, not, however, beyond three hundred weeks. Payments are to be made at the intervals when the earnings were payable, as nearly as may be, unless the parties otherwise agree.

(B) Temporary Partial Disability.

1. In General.

In all cases of temporary partial disability the compensation shall be sixty-six and two-thirds percent of the difference between the aver-

age weekly earnings of the workman at the time of the injury and the average weekly earnings he is able to earn in his partially disabled condition. This compensation shall be paid during the period of such disability, not however, beyond three hundred weeks, payments to be made at the intervals when the earnings were payable, as nearly as may be, unless the parties otherwise agree and subject to the same maximum weekly compensation as stated in section 289 of this title.

2. When partially disabled employee leaves first employment.

If the injured employee who is receiving such compensation for temporary partial disability should leave the employment of the employer by whom he was employed at the time of the accident for which such compensation is being paid, he shall, upon securing employment elsewhere, give to such former employer an affidavit in writing containing the name of his new employer, the place of employment, and the amount of wages being received at such new employment, and until he gives such affidavit, the compensation for temporary partial disability shall cease. The employer for whom such employee was employed at the time of the accident for which such compensation is being paid may also at any time demand of such employee additional affidavit, in writing, containing the name of his employer, the place of his employment, and the amount of wages he is receiving, and if the employee, upon such demand, fails or refuses to make and furnish such affidavit, his right to compensation for temporary partial disability shall cease until such affidavit is made and furnished.

(C). 1. Permanent Partial Disability.

For permanent partial disability the compensation shall be based upon the extent of such disability. In cases included in the following schedule the compensation shall be sixty-six and two-thirds percent of the average weekly earnings, during the number of weeks set out in the following schedule:

For the loss of a thumb, sixty-two weeks.

For the loss of a first finger, commonly called index finger, forty-three weeks.

For the loss of a second finger, thirty-one weeks.

For the loss of a third finger, twenty-two weeks.

For the loss of a fourth finger, commonly called little finger, sixteen weeks.

The loss of the first phalange of the thumb, or of any finger, shall be considered as equal to the loss of one-half of such thumb, or finger, and compensation shall be paid at the prescribed rate during one-half of the time specified above for such thumb or finger.

The loss of two or more phalanges shall be considered as the loss of the entire finger or thumb; but in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

For the loss of a great toe, thirty-two weeks.

For the loss of any of the toes other than the great toe, eleven weeks.

The loss of the first phalange of any toe shall be considered to be equal to the loss of one-half of such toe, and compensation shall be

paid at the prescribed rate during one-half the time prescribed above for such toe.

The loss of two or more phalanges shall be considered as the loss of entire toe.

For the loss of a hand, one hundred seventy weeks.

For the loss of an arm, two hundred twenty-two weeks.

For the loss of a foot, one hundred thirty-nine weeks.

Amputation between the elbow and wrist shall be considered as the equivalent to the loss of a hand, and the amputation between the knee and ankle shall be considered as the equivalent of the loss of a foot.

For the loss of a leg, two hundred weeks.

For the loss of an eye, one hundred twenty-four weeks.

For the complete and permanent loss of hearing in both ears, one hundred sixty-three weeks.

For the complete and permanent loss of hearing in one ear, fifty-three weeks.

For the loss of an eye and a leg, three hundred and fifty weeks.

For the loss of an eye and one arm, three hundred and fifty weeks.

For the loss of an eye and a hand, three hundred and twenty-five weeks.

For the loss of an eye and a foot, three hundred weeks.

For the loss of two arms, other than at the shoulder, four hundred weeks.

For the loss of two hands, four hundred weeks.

For the loss of two legs, four hundred weeks.

For the loss of two feet, four hundred weeks.

For the loss of one arm and the other hand, four hundred weeks.

For the loss of one hand and one foot, four hundred weeks.

For the loss of one leg and the other foot, four hundred weeks.

For the loss of one hand and one leg, four hundred weeks.

For the loss of one arm and one foot, four hundred weeks.

For the loss of one arm and one leg, four hundred weeks.

For serious disfigurement, not resulting from the loss of a member or other injury specifically compensated, materially affecting the employability of the injured person in the employment in which he was injured or other employment for which he is then qualified, sixty-six and two-thirds percent of the average weekly earnings for such period as the court may determine, not exceeding one hundred weeks.

When a permanent partial disability, the number of weeks compensation for which is scheduled in this subsection (C) 1, follows or accompanies a period of temporary total disability resulting from the

same injury, the number of weeks of such temporary total disability shall not be deducted from the number of weeks payable for such permanent partial disability.

2. Concurrent injuries.

Where an employee sustains concurrent injuries resulting in concurrent disabilities, he shall receive compensation, only for the injury which entitled him to the largest amount of compensation, but this section shall not affect liability for the concurrent loss of more than one member for which members compensation is provided in the specific schedule.

3. Loss of use of a member.

In all cases the permanent and total loss of the use of a member shall be considered as equivalent to the loss of that member but in such cases the compensation in and by said schedule shall be in lieu of all other compensation except as otherwise provided herein. In case of permanent disability, due to injury to a member resulting in less than total loss of use of such member, not otherwise compensated in this schedule, compensation shall be paid at the prescribed rate during that part of the time specified in the schedule for the total loss or total loss of use of the respective member, which the extent of the injury to the member bears to its total loss.

4. Employee refusing employment.

If an injured employee, refuses employment suitable to his capacity, offered to or procured for him, he shall not be entitled to any compensation at any time during the continuance of such refusal unless at any time in the opinion of the judge of the circuit court of the county of his residence, such refusal is justifiable.

5. Permanent partial maximum and minimum.

All compensation provided in subsection (C) of this section for loss of members, or loss of use of members, is subject to the same limitations as to maximum and minimum weekly compensation as stated in section 289 of this title.

6. All other permanent partial.

In all other cases of permanent partial disability not above enumerated, the compensation shall be sixty-six and two-thirds percent of the difference between the average weekly earnings of the workman at the time of the injury and the average weekly earnings he is able to earn in his partially disabled condition subject to the same maximum weekly compensation as stated in section 289 of this title. When a permanent partial disability, compensation for which is not calculated by use of the schedule in Section 279(C)1, follows a period of temporary total disability resulting from the same injury, the number of weeks of such temporary total disability shall be deducted from the number of weeks payable for such permanent partial disability. Compensation shall continue during disability, not however, beyond three hundred weeks.

7. Affidavit of new employment.

In case the injured employee leaves the services of the employer for whom he was working at the time of the accident and accepts employment elsewhere, he shall make and furnish affidavit as to his new employment in the manner as required in subsection (B).

(D) 1. Permanent Total.

For permanent total disability as defined in subsection (E) sixty-six and two-thirds percent of the average weekly earnings received at the time of the injury, subject to a maximum and minimum weekly compensation as stated in section 289 of this title; provided that, if at the time of injury the employee was receiving earnings of less than the minimum as stated in section 289 of this title, then he shall receive the full amount of his earnings per week. This compensation shall be paid during such permanent total disability, as defined in subsection (E). Payment of such compensation shall be made at the intervals when the earnings were payable, as nearly as may be unless the parties otherwise agree. Such payments, with the approval of the circuit judge, or by agreement of the parties, may be made monthly or quarterly or otherwise as the parties may agree. Payments for permanent total disability shall not be ordered to be paid in a lump sum without the consent of both the employer and the employee.

2. At any time the employer may petition the circuit court which awarded or approved compensation for permanent total disability to alter, amend, or revise the award or approval of such compensation on the ground that as a result of physical or vocational rehabilitation, or otherwise, the disability from which the employee suffers is no longer a permanent total disability and if the court is so satisfied after a hearing, shall alter, amend or revise the award accordingly. If compensation for permanent total disability is being paid pursuant to a written agreement between employer and employee without court approval, the employer may make application to a circuit court that would have had jurisdiction to award such compensation to the employee to alter, amend or revise the agreement on such grounds. If an employee is receiving benefits for permanent total disability other than as result of an award or a written agreement between the employer and employee, and if the employer terminates the payment of such benefits, the employee may within one year of the last payment petition the court to reinstate such benefits and upon a showing that such permanent total disability still exists shall be entitled to have such benefits reinstated effective the date of last payment.

3. Employee inmate of public institution.

In case an employee, who is permanently and totally disabled becomes an inmate of a public institution, then no compensation shall be payable unless he has wholly dependent on him for support a person or persons named in sections 280 and 281 of this title, whose dependency shall be determined as if the employee were deceased, in which case the compensation provided for in this subsection shall be paid for the benefit of such person so dependent, during dependency, in the manner ordered by the court, while the employee is an inmate in such institution.

Provided, however, that nothing contained herein shall be construed to deprive a permanently and totally disabled employee who has no dependents named in sections 280 and 281 of this title from receiving benefits to which he would otherwise be entitled if said employee, although an inmate of a public institution, is paying or on whose behalf funds are paid from any source to said public institution the normal and customary charge for the services rendered by said public institution. Normal and customary charge shall mean that charge actually made by the public institution to persons able to pay the services rendered them whether said charge actually covers the expense of the upkeep of said inmate or not. In the event said employee has had a guardian appointed by a court of competent jurisdiction, said workmen's compensation payments shall be directly paid to said guardian.

(E) 1. Permanent Total Disability Defined.

The total and permanent loss of sight of both eyes, or the loss of both arms at the shoulder, or any physical injury or mental impairment resulting from an accident which injury or impairment permanently and totally incapacitates the employee from working at and being retrained for gainful employment shall constitute permanent total disability and shall constitute the sole bases on which an award of permanent total disability may be based; provided however, any employee, whose disability results from such injury or impairment and who shall have refused to undergo physical or vocational rehabilitation shall not be deemed permanently and totally disabled.

2. Second permanent injury resulting in permanent total disability—first injury not in same employment.

If an employee receives a permanent injury as specified in this section after having sustained another permanent injury other than in the same employment, and if the combined effect of the previous and subsequent injury results in permanent total disability, compensation shall be payable for permanent total disability. Compensation for such permanent total disability shall be paid by the employer to the extent that such employer would have to pay compensation for the degree of injury that would have resulted from the accident if the earlier disability or injury had not existed and the remainder of the amount of such compensation after the completion of such payments by the employer shall be paid by the director of industrial relations as trustee from any amounts from time to time standing to his account as such trustee in the second injury trust fund; provided, however, that in order to qualify for benefits from the second injury trust fund, the employer must have had prior knowledge of the previous injury of the employee and such previous injury must have been of a disabling nature which adversely affected the employability of the employee.

3. Second permanent injury in same employment resulting in permanent total disability.

If an employee receives a permanent injury as specified in this section after having sustained another permanent injury in the same employment, and if the previous and subsequent injuries result in permanent total disability, compensation shall be payable for permanent total disability only.

4. Effect of rehabilitation or recovery on permanent total disability benefits.

In the event an employee who is receiving benefits for permanent total disability shall as a result of physical or vocational rehabilitation, or otherwise, obtain gainful employment, the obligation to pay permanent total disability benefits shall thereupon terminate; provided, however, at any time that the employee's weekly wage from such employment shall be less than the employee's average weekly wage at the time of injury, the employer shall remain obligated to pay to the employee as compensation an amount equal to 66-2/3 percent of the difference, subject to each of the following limitations: (a) The employer's liability for the payment of 66-2/3 percent of such difference shall continue for two hundred weeks from the date of re-employment or three hundred weeks from the date of injury, whichever is the longer period; (b) In no event shall the amount of weekly benefits paid by the employer to the employee exceed the weekly benefit the employee was receiving for permanent total disability; and (c) No payments shall be

due for any week the employee earns as much as or more than his average weekly wage at the time of injury. If the employee who obtains gainful employment suffered a permanent partial disability as specified in subsection (c), paragraph 1, of this section, the total amount of compensation paid for permanent total disability shall not be less than that amount which would have been payable for such permanent partial disability.

5. Affidavit of gainful employment.

In the event an employee who is receiving benefits for permanent total disability shall as the result of physical or vocational rehabilitation, or otherwise, obtain gainful employment, other than with his former employer, he shall, upon securing such employment, give to his former employer an affidavit in writing containing the name of his new employer, the place of employment, and the amount of wages being received at such new employment, and until he gives such affidavit, the compensation for permanent total disability shall cease. The employer for whom such employee was employed at the time of the accident for which compensation is being paid may also at any time demand of such employee additional affidavit, in writing, containing the name of his employer, the place of his employment, and the amount of wages he is receiving, and if the employee, upon such demand, fails or refuses to make and furnish such affidavit, his rights to compensation shall cease until such affidavit is made and furnished.

(F) 1. Second permanent injury.

If an employee has a permanent disability or has previously sustained another injury than that in which he received a subsequent permanent injury by accident such as is specified in the sections herein defining permanent injury, he shall be entitled to compensation only for the degree of injury that would have resulted from the latter accident if the earlier disability or injury had not existed.

2. Benefits not concurrent; exceptions.

If an employee received an injury for which compensation is payable while he is still receiving or entitled to compensation for a previous injury in the same employment, he shall not at the same time be entitled to compensation for both injuries, unless the later injury be a permanent injury, such as specified in this section; but he shall be entitled to compensation for that injury and from the time of that injury which will cover the longest period and the largest amount payable under articles 1 and 2 of this chapter. If an employee receives a permanent injury as specified in this section, after having sustained another permanent injury in the same employment, he shall be entitled to compensation for both injuries, subject to the provisions of (F)1, but the total compensation shall be paid by extending the period and not by increasing the amount of weekly compensation, and in no case for permanent partial disability exceeding seven hundred weeks.

(G) Compensation for Death after Disability.

In case a workman sustained an injury occasioned by an accident arising out of and in the course of his employment and during the period of disability caused thereby death results proximately therefrom, all payments previously made as compensation for such injury shall be deducted from the compensation, if any, due on account of death. If a workmen who has sustained a permanent partial or permanent total disability, the degree of which has been agreed upon by the parties or has been ascertained by the court, and death results not proximately

therefrom, the employee's surviving spouse and/or dependent children shall be entitled to the balance of the payments which would have been due and payable to the workman, not exceeding, however, whether or not the decedent employee was receiving compensation for permanent total disability, the amount that would have been due the surviving spouse and/or dependent children if death had resulted proximately from the injury. Except as provided in this subsection (G), no benefits shall be payable on account of death resulting proximately or not proximately from an injury, on account of which compensation is being paid to an employee.

(H) Hernia.

In all claims for compensation for hernia resulting from injury by an accident arising out of and in the course of his employment, it must be definitely proven to the satisfaction of the court:

(a) That there was an injury resulting in hernia.

(b) That the hernia appeared suddenly.

(c) That it was accompanied by pain.

(d) That the hernia immediately followed an accident.

(e) That the hernia did not exist prior to the accident for which compensation is claimed.

All hernia, inguinal, femoral or otherwise, so proved to be the result of an injury by accident arising out of and in the course of the employment shall be treated in a surgical manner by radical operation. In case the injured employee refuses to undergo the radical operation for the cure of said hernia, no compensation will be allowed during the time such refusal continues. If, however, it is shown that the employee has some chronic disease, or is otherwise in such physical condition that the court considers it unsafe for the employee to undergo said operation, the employee shall be paid as otherwise provided in this chapter.

(I) Average Weekly Earnings Basis of Benefits.

Compensation hereunder shall be computed on the basis of the average weekly earnings. Average weekly earnings shall mean the earnings of the injured employee in the employment in which he was working at the time of the injury during the period of fifty-two weeks immediately preceding the date of the injury divided by fifty-two; but if the injured employee lost more than seven consecutive calendar days during such period although not in the same week, then the earnings for the remainder of such fifty-two weeks shall be divided by the number of weeks remaining after the time so lost has been deducted. Where the employment prior to the injury extended over a period of less than fifty-two weeks, the method of dividing the earnings during that period by the number of weeks and parts thereof which the employee earned wages shall be followed, provided results just and fair to both parties will thereby be obtained. Where by reason of the shortness of the time during which the employee has been in the employment of his employer, or the casual nature or terms of the employment, it is impracticable to compute the average weekly earnings as above defined, regard shall be had to the average weekly amount which during the fifty-two weeks prior to the injury was being earned by a person in the same grade, employed at the same work by the same employer, and if there is no such person so employed, by a person in the same grade employed in the same class of employment in the same district. What-

ever allowances of any character made to an employee in lieu of wages are specified as part of the wage contract, they shall be deemed a part of his earnings.

Section 6. Section 283, Title 26, Code of Alabama 1940, as last amended, is hereby amended to read as follows:

Section 283. Death compensation.

In death cases where the death results proximately from the accident within three years, compensation payable to dependents shall be computed on the following basis and shall be paid to the persons entitled thereto without administration, or to a guardian or such other person as the court may direct, for the use and benefit of the person entitled thereto.

(A) Persons Entitled to Benefits.

1. If the deceased employee leaves one dependent, there shall be paid to the dependent fifty percent of the average weekly earnings of the deceased.

2. If the deceased employee leaves two or more dependents, there shall be paid to the dependents sixty-six and two-thirds percent of the average weekly earnings of the deceased.

3. If one of two or more dependents is a widow or widower, the compensation may be paid to the widow or widower for the benefit of herself or himself and the dependent child or children. In its discretion and when it considers appropriate to do so, the court shall at any time have the power to determine, without the appointment of any guardian or guardians, what portion of the compensation shall be applied for the benefit of any such child or children and may order the same paid to a guardian or custodian of such child or children.

4. Partial dependents shall be entitled to receive only that proportion of the benefits provided for total dependents, which the average amount of the earnings regularly contributed by the deceased employee to such partial dependent, at and for a reasonable time immediately prior to the injury, bore to the total income of the dependent during the same time. If there is one dependent and one or more partial dependents, and the dependent is not entitled to the maximum amount of compensation as provided in section 289 of this title, there shall be paid to the partial dependent or partial dependents that percent of the benefit paid to a full dependent which the contribution of the decedent to the partial dependent's support bears to the total income of the partial dependent; provided however, the compensation payable to such partial dependent or dependents shall not exceed the lesser of 16-2/3 percent of the decedent's average weekly wage or the difference between the compensation payable to the full dependent and the maximum weekly compensation benefit payable as provided in Section 289.

5. If compensation is being paid under this article to any dependent, such compensation shall cease upon the death or marriage of such dependent, unless otherwise provided in this article.

Upon the cessation of compensation to or for any dependent, for any cause, the compensation of the remaining dependents entitled to compensation shall, for the unexpired period during which their compensation is payable, be that which would have been payable to them had they been the only persons entitled to compensation at the time of death of the deceased employee.

(B) Maximum and Minimum Death Compensation.

The compensation payable in case of death to persons wholly dependent shall be subject to a maximum and minimum weekly compensation as stated in section 289 of this title; but if at the time of injury the employee receives earnings of less than the minimum stated in section 289 of this title, then the compensation shall be the full amount of such earnings per week. The compensation payable to partial dependents shall be subject to a maximum and minimum weekly compensation as stated in section 289 of this title; but if the income loss of said partial dependents by such death is less than the minimum weekly compensation stated in section 289 of this title, then the dependents shall receive the full amount of their income loss. This compensation shall be paid during dependency, not exceeding five hundred weeks, payments to be made at the intervals when the earnings were payable, as nearly as may be unless the parties otherwise agree.

Section 7. Section 289, Title 26, Code of Alabama 1940, as last amended, is hereby amended to read as follows:

Section 289. Limitations on compensation.

(A) With respect to injury or death resulting from an accident occuring after the effective date of this act and before July 1, 1976, the compensation paid hereunder shall be not less than, except as otherwise provided herein, twenty-five percent of the average weekly wage of the state for calendar year 1974 as determined by the director of industrial relations (rounded to the nearest dollar), and in any event no more than 66-2/3 percent of such average weekly wage of the state.

(B) With respect to injury or death resulting from an accident occuring on or after July 1, 1976, the compensation paid hereunder shall be not less than, except as otherwise provided herein, twenty-five percent of the average weekly wage of the state as determined by the director of industrial relations (rounded to the nearest dollar) pursuant to subparagraph (C) of this Section 289, and in any event no more than sixty-six and two-thirds percent of such average weekly wage.

(C) For the purpose of this act the average weekly wage of the state shall be determined by the director of industrial relations as follows: On or before June 1 of each year, the total wages reported on contribution reports to the unemployment compensation division of the department of industrial relations for the preceding calendar year shall be divided by the average monthly number of insured workers (determined by dividing the sum of the number of insured workers reported for each month of the preceding year by 12). The average annual wage thus obtained shall be divided by 52 and the average weekly wage thus determined rounded to the nearest cent. The average weekly wage as so determined shall be applicable for the 12 months period beginning July 1 following the June 1 determination. If such determination shall not be made on or before June 1, the effective date of the average weekly wage when determined shall be the first day of the month next following thirty (30) days after such determination is made.

D. The maximum and minimum weekly benefit shall not be changed on any July 1, or as a result of any annual determination, unless the computation hereinabove provided results in an increase or decrease of $2.00 or more in the amount of either the maximum or minimum benefit.

(E) In no event, except as provided for permanent total disability in Section 279(D)1 or except for compensation benefits payable for

permanent partial and temporary total disability in connection with a disability scheduled in Section 279(C)1, shall the total amount of compensation payable for any accident exceed the product of 500 times the maximum weekly benefit applicable on the date of the accident.

(F) The minimum and maximum benefits that are in effect on the date of the accident which results in injury or death shall be applicable for the full period during which compensation is payable.

Section 8. Section 293, Title 26, Code of Alabama 1940, as last amended, is hereby amended to read as follows:

Section 293. Medical, surgical, hospital service, and vocational rehabilitation.

1. In addition to the compensation herein provided, the employer shall pay the actual cost of the repair, refitting or replacement of artificial members damaged as the result of an accident arising out of and in the course of employment and the employer shall pay the actual cost of reasonably necessary medical and surgical treatment and attention, physical rehabilitation, medicine, medical and surgical supplies, crutches, original artificial members, and other apparatus, as may be obtained by the injured employee, or in case of death, obtained during the period occuring between the time of the injury and his death therefrom. If the employee is dissatisfied with the initial treating physicial selected by the employer and if further treatment is required, the employee may so advise the employer and in such event the employee shall be referred to a second physician selected by the employer; if the employee is dissatisfied with the second physician selected by the employer, the employee may so advise the employer and in such event the employee shall be referred to a third physician selected by the employer. In the event surgery is required, if the employee is dissatisfied with the designated surgeon, he may so advise the employer, and in such event the employee shall be referred to a second surgeon selected by the employer; if the employee is dissatisfied with the second surgeon designated by the employer to perform surgery, the employee may so advise the employer and in such event the employee shall be referred to a third surgeon selected by the employer. The total liability of the employer shall be limited to such charges as prevail for similar treatment in the community where the injured employee resides. In case an insurer of the employee or a benefit association is liable for such medical, surgical and hospital service or for a part thereof, or in case the employee is entitled to the same or a part thereof, from any source whatever by virtue of any agreement or understanding, or law, state or federal, without any loss of benefit to the employee, the employer shall not be required in such case to pay any part of such expense, unless said benefits are insufficient to pay all such expense, and in such event the employer shall be liable for the deficiency only. All cases of dispute as to the necessity and value of such services shall be determined by the tribunal having jurisdiction of the claim of the injured employee for compensation. The injured employee must submit himself to examination by the employer's physician at all reasonable times, if requested to do so by the employer but the employee shall have the right to have a physician of his own selection present at such examination, in which case the employee shall be liable to such physician for his services. The employer shall pay for the services of the physician making the examination at the instance of the employer. And in case of dispute as to the injury, the court may, at the instance of either party, or of its own motion, appoint a neutral physician of good standing and ability to make an examination of the injured person and report his findings to the court, the expense of which examination shall be borne equally by the

parties. If the injured employee refuses to comply with any reasonable request for examination, or refuses to accept the medical service or physical rehabilitation which the employer elects to furnish under the provisions of this chapter his right to compensation shall be suspended, and no compensation shall be payable for the period of such refusal. Any physician whose services are furnished or paid for by the employer, or any physician of the injured employee, and who treats or makes or is present at any examination of an injured employee may be required to testify as to any knowledge by him in the course of such treatment or examination as same related to the injury or disability arising therefrom. Any such physician shall, upon written request of the injured employee or his employer, furnish to such injured employee or his employer a written statement of his professional opinion as to the extent of the injury and disability. In all death claims where the cause of death is obscure or is disputed, any interested party may require an autopsy, the cost of which is to be borne by the party demanding the same. Physicians include medical doctor, surgeon and chiropractor.

2. Vocational Rehabilitation

(a) If the employer so elects, the employee shall submit to and undergo vocational rehabilitation at the employer's expense through a vocational rehabilitation facility or institution recommended by a vocational rehabilitation specialist, which facility or institution shall be qualified to render competent vocational rehabilitation service. If an employee, who is unable in the opinion of the treating physician to return to his former employment, shall request vocational rehabilitation and if both a vocational rehabilitation specialist and a treating physician, the cost of whose service is the obligation of the employer under this section, shall express their opinions in writing that in the judgment of each of them vocational rehabilitation is reasonably calculated to restore the employee to gainful employment and is in the best interest of the employee, the cost of such rehabilitation shall be borne by the employer. Such cost, where rehabilitation requires residence at or near a facility or institution away from the employee's customary residence, shall include reasonable charges for the employee's necessary board, lodging and travel.

(b) Refusal of the employee to accept rehabilitation at the employer's request shall result in loss of compensation for each week of the period of refusal.

Section 9. Section 299, Title 26, Code of Alabama 1940, as last amended, is hereby amended to read as follows:

Section 299. Payment in lump sum. By agreement of the parties and with approval of the court, the amounts of compensation payable periodically hereunder may be commuted to one or more lump sum payments. No such commutation shall be approved by the court unless the court is satisfied that it is in the best interest of the employee or the employee's dependents, in case of death, to receive the compensation in a lump sum rather than in periodic payments. In making such commutations, the lump sum payment shall, in the aggregate, amount to a sum equal to the present value of all future installments of compensation calculated on a six percent basis.

Section 10. Section 312, Title 26, Code of Alabama 1940, as last amended, is hereby amended to read as follows:

Section 312. Liability of party other than employer and procedure governing.

Where the injury or death for which compensation is payable under article 2 of this chapter was caused under circumstances also creating a legal liability for damages on the part of any party other than the employer whether or not such party be subject to the provisions of article 2 of this chapter the employee, or his dependents in case of his death, may proceed against the employer to recover compensation under article 2 of this chapter, or may agree with the employer upon the compensation payable under article 2 of this chapter, and at the same time may bring an action against such other party to recover damages for such injury or death, and the amount of such damages shall be ascertained and determined without regard to article 2 of this chapter; provided, however, neither an officer, director, agent, servant or employee of the same employer nor his personal representative, nor any workmen's compensation insurance carrier of the employer, nor any officer, director, agent, servant or employee of such carrier, nor any labor union, or an official or representative thereof, making a safety inspection for the benefit of the employer or its employees, shall be considered a party other than the employer against whom such an action may be brought. If the injured employee, or in case of his death his dependents, recover damages against such other party the amount of such damages so recovered and collected shall be credited upon the liability of the employer for compensation, and if such damages so recovered and collected should be in excess of the compensation payable under article 2 of this chapter there shall be no further liability on the employer to pay compensation on account of such injury or death, and the employer shall be entitled to reimbursement for the amount of compensation theretofore paid on account of such injury or death. If the employee, who recovers damages is receiving or entitled to compensation for permanent total disability, then the employer shall be entitled to reimbursement for the amount of such compensation theretofore paid and the employer's obligation to pay further compensation for permanent total disability shall be suspended for the number of weeks which equals the quotient of the total damage recovery (less the amount of any reimbursement for compensation already paid) divided by the amount of the weekly benefit for permanent total disability which the employee was receiving or to which the employee was entitled. In the event the injured employee, or in case of his death, his dependents, do not file suit against such other party to recover damages within the time allowed by law, the employer or the insurance carrier for the employer shall be allowed an additional period of six months within which to bring suit against such other party for damages on account of such injury or death. In the event the employer or the insurance carrier shall have paid compensation to such employee, or his dependents, or in the event a proceeding is pending against the employer to require the payment of such compensation, such suit may be maintained either in the name of the injured employee, or in case of his death in the name of his dependents, or in the name of the employer or the insurance carrier, and in the event the damages recovered in such suit are in excess of the compensation payable by the employer under article 2 of this chapter and costs, attorney's fees and reasonable expenses incurred by the employer in making such collection, the excess of such amount shall be held in trust for the injured employee, or in case of his death for his dependents. In the event such injured employee has no dependents, his personal representative in the event of his death may bring suit against such other party to recover damages without regard to article 2 of this chapter. In any settlement made under this section with a negligent third party by the employee, or in case of his death, by his dependents, the employer shall be liable for that part of the attorney's fees incurred in the settlement with the third party, either with or without suit, in the same proportion that the amount of the

reduction in the employer's liability to pay compensation bears to the total recovery had from such third party.

Section 11. Section 7 of Act No. 180, adopted at the 1951 Regular Session of the Legislature of Alabama, as last amended, is hereby amended to read as follows:

Section 7. Excluding other remedies.

The rights and remedies herein granted shall exclude all other rights and remedies of an employee, his personal representative, parents, surviving spouse, dependents or next of kin, at common law, by statute, contract, or otherwise on account of the contraction of the disease of occupational pneumonoconiosis and on account of any injury, disability, loss of service or death resulting from the disease of occupational pneumonoconiosis; and except as herein provided in this article, no employer included within the terms of this chapter, and no officer, director, agent, servant or employee of any such employer shall be held civilly liable for the contraction of the disease of occupational pneumonoconiosis, or for injury, disability, loss of service or death of any employee due to occupational pneumonoconiosis, while engaged in the service or business of the employer, the cause of which occupational pneumonoconiosis originates in the employment; but nothing in this section shall be construed to relieve any person from criminal prosecution for failure or neglect to perform any duty imposed by law. The immunity from civil liability shall extend to any workmen's compensation insurance carrier of such employer and to any officer, director, agent, servant, or employee of such carrier; and such immunity shall further extend to any labor union, or any official or representative thereof, making a safety inspection for the benefit of the employer or its employees.

Section 12. Section 13 of Act No. 180, adopted at the 1951 Regular Session of the Legislature of Alabama, as last amended, is hereby amended to read as follows:

Section 13. Compensation payable under this article.

The compensation payable for death or disability caused by pneumonoconiosis shall be computed in the same manner and in the same amounts as provided in Chapter 5 for computing compensation for disability or death resulting from an accident arising out of and in the course of the employment, and the medical, surgical, hospital and burial benefits payable hereunder caused by said disease shall be computed in the same manner and in the same amounts as provided in Chapter 5 for computing like benefits. The date of injury as defined in Section 11 of Act No. 180, as amended, shall be considered the date of accident for determining the applicable medical, surgical and hospital benefits, the minimum and maximum weekly benefits and the limitation on the total amount of compensation payable for occupational pneumonoconiosis.

Section 13. Section 17 of Act No. 180 adopted at the 1951 Regular Session of the Legislature of Alabama, as last amended, is hereby amended to read as follows:

Section 17. Applicability of other sections.

All of the provisions of Articles 1, 2 and 3 of Chapter 5, Title 26, Code of Alabama 1940, as amended, except Section 294, shall be applicable to Act No. 180, as amended, unless otherwise provided or inconsistent herewith.

Section 14. Section 6 of Act No. 521, adopted at the 1967 Regular Session of the Legislature of Alabama, as last amended, is hereby amended to read as follows:

Section 6. Excluding other remedies.

The rights and remedies herein granted shall exclude all other rights and remedies of an employee, his personal representative, parent, surviving spouse, dependents or next of kin, at common law, by statute, contract, or otherwise on account of occupational exposure to radiation and on account of any injury, disability, loss of service or death resulting from occupational exposure to radiation; and except as herein provided in this article, no employer included within the terms of this chapter, and no officer, director, agent, servant, or employee of such employer shall be held civilly liable for the occupational exposure to radiation or for injury, disability, loss of service or death of any employee due to occupational exposure to radiation while engaged in the service or business of the employer, the cause of which occupational exposure to radiation originates in the employment; but nothing in this section shall be construed to relieve any person from criminal prosecution for failure or neglect to perform any duty imposed by law, provided, however, nothing herein shall be interpreted so as to deprive an employee, or in case of death, his dependents, of any rights or remedies he may have under Articles 1 and 2 of the Workmen's Compensation Act. The immunity from civil liability shall extend to any workmen's compensation insurance carrier of such employer and to any officer, director, agent, servant, or employee of such carrier; and such immunity shall further extend to any labor union, or any official or representative thereof, making a safety inspection for the benefit of the employer or its employees.

Section 15. Section 12 of Act No. 521, adopted at the 1967 Regular Session of the Legislature of Alabama, as last amended, is hereby amended to read as follows:

Section 12. Compensation payable under article.

The compensation payable for death or disability caused by occupational exposure to radiation shall be computed in the same manner and in the same amounts as provided in Chapter 5 for computing compensation for disability or death resulting from an accident arising out of and in the course of the employment, and the medical, surgical, hospital and burial benefits payable hereunder caused by said exposure shall be computed in the same manner and in the same amounts as provided in Chapter 5 for computing like benefits. The date of injury as defined in Section 10 of Act No. 521, as amended, shall be considered the date of accident for determining the applicable medical, surgical, and hospital benefits, the minimum and maximum weekly benefits and the limitation on the total amount of compensation payable for occupational exposure to radiation.

Section 16. Section 16 of Act No. 521 adopted at the 1967 Regular Session of the Legislature of Alabama, as last amended, is hereby amended to read as follows:

Section 16. Applicability of other sections.

All of the provisions of Articles 1, 2 and 3 of Chapter 5, Title 26, Code of Alabama 1940, as amended, except Section 294, shall be applicable to Act No. 521, as amended, unless otherwise provided or inconsistent herewith.

Section 17. Section 6 of Act No. 668, adopted at the 1971 Regular Session of the Legislature of Alabama, as last amended, is hereby amended to read as follows:

Section 6. Excluding other remedies.

The rights and remedies herein granted shall exclude all other rights and remedies of an employee, his personal representative, parent, surviving spouse, dependents or next of kin, at common law, by statute, contract, or otherwise on account of the contraction of an occupational disease as defined in this article and on account of any injury, disability, loss of service or death resulting from an occupational disease as defined in this article; and except as herein provided in this article, no employer included within the terms of this chapter, and no officer, director, agent, servant or employee of such employer shall be held civilly liable for the contraction of an occupational disease as defined in this article, or for injury, disability, loss of service or death of any employee due to an occupational disease, while engaged in the service or business of the employer, the cause of which occupational disease originates in the employment; but nothing in this section shall be construed to relieve any person from criminal prosecution for failure or neglect to perform any duty imposed by law. The immunity from civil liability shall extend to any workmen's compensation insurance carrier of such employer and to any officer, director, agent, servant, or employee of such carrier; and such immunity shall further extend to any labor union, or any official or representative thereof, making a safety inspection for the benefit of the employer or its employees.

Section 18. Section 12 of Act No. 668, adopted at the 1971 Regular Session of the Legislature of Alabama, as last amended, is hereby amended to read as follows:

Section 12. Compensation payable under article.

Compensation payable for death or disability caused by an occupational disease as defined in this article shall be computed in the same manner and in the same amounts as provided in Chapter 5, Title 26, Code of Alabama 1940, as amended, for computing compensation for disability or death resulting from an accident arising out of and in the course of the employment, and the medical, surgical, hospital and burial benefits payable hereunder caused by said disease shall be computed in the same manner and in the same amounts as provided in Chapter 5, Title 26, Code of Alabama 1940, as amended, for computing like benefits. The date of injury as defined in Section 10 of Act No. 668, as amended, shall be considered the date of accident for determining the applicable medical, surgical and hospital benefits, the minimum and maximum weekly benefits and the limitation on the total amount of compensation payable for such occupational disease.

Section 19. Section 16 of Act No. 668 adopted at the 1971 Regular Session of the Legislature of Alabama, as last amended, is hereby amended to read as follows:

Section 16. Applicability of other sections.

All of the provisions of Articles 1, 2 and 3 of Chapter 5, Title 26, Code of Alabama 1940, as amended, except Section 294, shall be applicable to Act No. 668, as amended, unless otherwise provided or inconsistent herewith.

Section 20. The provisions of this act shall be applicable with respect to all accidents occurring after the act shall become effective,

except that the provisions of Section 9 amending Section 299 of Title 26, as last amended shall apply to all cases or proceedings pending at the time the act becomes effective or thereafter commenced.

Section 21. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 22. All laws or parts of laws which conflict with this Act are repealed.

Section 23. This Act shall become effective immediately upon passage and approval by the Governor, or upon its otherwise becoming a law; provided, however, Section 3 amending Section 263 of Title 26, as last amended, shall become effective no sooner than 60 days after September 30, 1975 in keeping with the provisions of Act No. 565 of the 1975 Regular Session of the Legislature of the State of Alabama.

And the substitute was adopted.

Yeas 89; Nays 8.

*Yeas:*

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, LeFlore, Leonard, Lewis, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—89

*Nays:*

Messrs.: Armstrong, Clark, Folmar, Harris, Killian, Lee, Lockett and Lutz.

—8

And the bill, S. 80 as thus amended, was read a third time at length and passed.

Yeas 97; Nays 1.

*Yeas:*

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith

(C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—97

*Nay*: Mr. Folmar. —1

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 28. PROVIDING FOR THE CONTINUATION OF THE JOINT COMMITTEE ESTABLISHED BY S. J. R. 97, ACT NO. 382, APPROVED SEPTEMBER 5, 1967, AND CONTINUED BY S. J. R. 101, ACT NO. 1046, APPROVED SEPTEMBER 12, 1969, AND CONTINUED BY H. J. R. 217, ACT NO. 2418, APPROVED OCTOBER 1, 1971, TO STUDY THE PROBLEMS OF INTERSTATE AND INTRASTATE HIGHWAY SAFETY GENERALLY.

Also:

H. J. R. 40. WELCOMING EXCHANGE STUDENTS FROM THE REPUBLIC OF COLOMBIA.

Also:

H. J. R. 41. CONGRATULATING JENNIE CHANDLER ON WINNING DIVING AWARD IN THE PAN AMERICAN GAMES IN MEXICO CITY.

Also:

H. J. R. 42. CONGRATULATING AND COMMENDING MISS JACKIE BEASLEY ON BEING SELECTED ALABAMA TEXTILE QUEEN.

Also:

H. J. R. 46. ENDORSING THE APPLICATION OF THE MEDICAL ASSOCIATION OF ALABAMA TO CONDUCT A PILOT PROGRAM IN THE AMERICAN MEDICAL ASSOCIATION PROGRAM TO IMPROVE MEDICAL CARE AND HEALTH SERVICES IN JAILS.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 171. To amend Act No. 79 of the Special Session of the Legislature of Alabama of 1966, approved August 17, 1966, (Ala. Acts, 1966 Special Session, p. 106 et seq.) as heretofore amended providing in Jefferson County for the creation and maintenance of districts for fighting or preventing fires, districts for the collection and disposal of garbage and districts for both of the aforesaid purposes.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 20. Relating to all counties having a population of not less than 50,000 nor more than 52,500 inhabitants according to the most recent federal decennial census; authorizing the county governing body of such counties to develop and establish a prisoner rehabilitation program which would include a livestock raising and farming area for the purpose of inmates occupying their time in supplementing prison food, and including the leasing or purchasing of land for such purpose and purchasing equipment and supplies incident thereto; providing that the cost for such program be paid out of the county general fund and from funds designated for prisoners' feeding allowance; and prescribing penalties for violations by inmates.

Also:

H. 12. To amend Section 3 of Act No. 2220, H. 2829, 1971 Acts of the Regular Session (Acts 1971, Vol. V, p. 3566), entitled "Relating to all counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census; to impose a tax upon the sale by liquor licensees of spirituous or vinous liquors and an additional tax on malt or brewed beverages when sold for on-premises consumption; providing for the administration of this Act and the collection and use of the proceeds; requiring permits for taxable sales of spirituous and vinous liquors and malt or brewed beverages; and providing penalties for violations of this Act," so as to delete provisions levying an additional tax on certain malt or brewed beverages, and regulate further the tax on spirituous liquor.

Also:

H. 201. Relating to all counties having a population of not less than 22,575 and not more than 23,800 inhabitants according to the most recent federal decennial census; providing for the appointment of a bailiff to serve in the circuit and county courts of such counties.

Also:

H. 132. To repeal Act No. 51, S. 326, 1971 Regular Session, (Acts 1971, p. 301), entitled "An Act Relating to counties having populations of not less than 16,350 nor more than 16,650, according to the most recent federal census; to fix compensation and traveling expenses of the Superintendent of Education; and to repeal conflicting laws."

Also:

H. 226. Relating to all counties having populations of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; to provide for and regulate the holding of a referendum election in each such county to determine whether the construction and maintenance of the county roads shall be under the supervision and control of the state highway department or the county governing body; to provide for the organization, compensation and duties of a citizen's committee in each such county to study this subject and to make a report, including recommendations, of its study before the referendum; to authorize the county governing body to pay a per diem and expenses to the members of the committee, and to provide professional and clerical assistants to the committee, provided all such expenses shall not exceed the limit herein prescribed.

Also:

H. 98. Relating to counties having a population of not less than 45,500 nor more than 52,000 inhabitants according to the most recent federal decennial census; authorizing nighttime hunting of racoons and opossums under certain conditions.

Also:

H. 153. To provide authority to the governing body of cities in this state having not less than 60,000 nor more than 70,000 people, according to the last or any subsequent Federal decennial census, to employ a special police officer; providing for his condition of employment; providing for his tenure and compensation.

Also:

H. 203. To repeal Act No. 604, H. 1753, Regular Session 1975, approved 5:00 P.M., October 1, 1975, entitled "Relating to all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the most recent federal decennial census; to provide for the compensation of certain county officers on a salary basis; to provide that the fees, commissions and allowances of such officers shall be deposited in the general fund of such counties; and to provide for the operation of the offices of such officers."

Also:

H. 205. Relating to Coosa County; to provide for the compensation of certain county officers on a salary basis; to provide that the fees, commissions and allowances of such officers shall be deposited in the general fund of the county; and to provide for the operation of the offices of such officers.

Also:

H. 207. To provide clerical assistance for certain agencies in counties having a population of not less than 65,000 nor more than 68,000.

Also:

H. 46. To make the provisions of Chapter 5, Title 26, of the 1940 Code of Alabama, as now or hereafter amended, inapplicable to all cities having a population of 250,000 or more, to any park board of such cities, to the boards and agencies authorized by such cities, and to the employees of any such city, board or agency.

Also:

H. 187. To amend the title and Section 1 of Act No. 417, H. 278, 1975 Regular Session, approved September 18, 1975, entitled "An Act Relating to counties having populations of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to limit the liability of sheriffs for the acts of his deupties where he does not participate or where they do not act under his direction and control; to authorize the employment of an attorney out of county funds to advise and represent the sheriff," so as to correct a typographical error in the population span in order that the new population span shall read "not less than 39,500 nor more than 41,750"; to make the provisions of this Act retroactive to September 18, 1975.

Also:

H. 186. To amend the title and Section 1 of Act No. 313, H. 275, 1975 Regular Session, approved September 16, 1975, entitled "An Act Relating to counties having a population of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to provide for paying the expenses of deputy sheriffs attending any school or training program where their expenses are not otherwise provided for by law," so as to correct a typographical error in the population span in order that the new population span shall read "not less than 39,500 nor more than 41,750"; to make the provisions of this Act retroactive to September 16, 1975.

Also:

H. 227. To amend Act No. 1620, H. 2009 of the Regular Session of 1971 (Acts 1971, p. 2779), which is entitled "An Act To provide for a clerk-hire allowance for a secretary for any judge of a county court operating within the Eleventh Judicial Circuit," so as to increase the clerk-hire allowance.

Also:

H. 184. To amend the title and Section 1 of Act No. 314, H. 276, 1975 Regular Session, approved September 14, 1975, entitled "An Act Relating to counties having a population of not less than 39,500 nor more than 41,500 inhabitants according to the most recent federal decennial census; to authorize the county governing body of such counties to appropriate public funds to the use of rescue squads incorporated under the non-profit corporation laws of this state," so as to correct a typographical error in the population span in order that the new population span shall read "not less than 39,500 nor more than 41,750"; to make the provisions of this Act retroactive to September 14, 1975.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

## SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length

having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 31. To amend Act No. 1159, S. 278 of the 1975 Regular Session, which provides for an additional circuit judgeship in the 38th Judicial Circuit, so as to make the provisions thereof relative to the time of appointment and the term of service of the first additional judge and his successors comply with Section 153 of the Constitution of 1901, as amended, and to correct a clerical error in the Act.

Also:

H. 73. To amend Section 2 of Act No. 478, Regular Session, 1961, dealing with composition of, appointment, terms and compensation of members; officers, rules and regulations of museum boards of any municipality in the State of Alabama having a population of not less than one hundred thousand (100,000) nor more than two hundred thousand (200,000) according to the last or any subsequent federal decennial census.

Also:

H. 213. To amend Section 1 of Act No. 626, H. 815, approved September 8, 1967 (Acts of Alabama, Organizational Special Regular Session 1967, Volume 2, Page 1430), an act entitled "To provide clerical assistance to the Circuit Clerk, Probate Judge, Tax Assessor, Tax Collector, Register in Chancery, County Judge and Sheriff of Cherokee County, Alabama, to provide for the selection, employment and discharging of such assistants, to fix their compensation and provide for the payment therefor out of the county funds", so as to include in paragraph 1 of said Section 1 the Office of the Deputy Solicitor; to repeal Act No. 197, H. 214, Special Session 1967 (Acts 1967, P. 243), as amended.

Also:

H. 179. Relating to counties having a population of not less than 34,875 nor more than 36,000 inhabitants according to the most recent federal decennial census, allowing the municipal governing bodies of the three largest municipalities located in any such counties to determine the closing hours for places selling alcoholic beverages within their respective police jurisdiction.

Also:

H. 172. Relating to counties having not less than 38,100 nor more than 40,500 population, according to the most recent federal decennial census; to provide a secretary for the District Attorney of the Circuit Court serving any such county.

Also:

H. 167. Relating to Elmore County; to provide an additional expense allowance for the county license inspector, and furnishing proof thereof.

Also:

H. 32. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all severance taxes on coal levied by any such county; authorizing said Department of Revenue to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections.

Also:

H. 30. Relating to Jackson County; to provide further for the payment of additional expense allowances to the chairman of the Board of Revenue of Jackson County.

Also:

H. 21. Relating to counties having a population of not less than 50,000 nor more than 52,500 according to the most recent federal decennial census; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of any such counties; and providing penalties for violation hereof.

Also:

H. 135. To amend further Section 3 of Act No. 1945, H. 584, Regular Session of the 1971 Alabama Legislature (Acts 1971 Regular Session, p. 3143), which authorizes, provides for, and regulates the employment and compensation of a county engineer or a chief engineer of the Division of Public Roads in each county in the state, and prescribe his qualifications, so as to provide that in Cleburne County the county engineer need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of said county engineer's salary.

Also:

H. 136. Relating to all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the most recent federal decennial census; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Also:

H. 33. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all gasoline taxes levied in such counties, and authorizing said Department to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

## SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length

having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

S. 50. Amend Act No. 1180 of the 1975 Regular Session of the Alabama Legislature by changing the overtime provisions of said Act; defines state law enforcement officer and repeals all conflicting laws; and provides funding.

Was read a third time at length and passed.

Yeas 91, Nays 2.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Waggoner, Whatley, White, Williams and Wyatt.

—91

*Nays*: Messrs.: McNair and Porter. —2

And the bill:

S. 96. To amend Section 4 of Act No. 90, H. 216, 1963 Regular Session [Acts of 1963, p. 474; now appearing in Code of Alabama, Recompiled 1958, Title 37, Section 826 (1)], so as to provide that revenue bonds or notes issued under the said act may be refunded, extended or renewed by other temporary bonds or notes maturing not more than eighteen months from the date of maturity of the temporary bonds or notes then outstanding.

Was read a third time at length and passed.

Yeas 88; Nays 0.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—88

And the bill:

S. 25. To provide for the appointment of assistant district attorneys in the Twenty-third Judicial Circuit and for a graduated schedule of compensation for assistant district attorneys in the Twenty-third Judicial Circuit.

Was read a third time at length and passed.

Yeas 88; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Holley, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, McClusky, McCulley, McMillan, McNair, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Robberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White and Williams.

—88

And the bill:

S. 84. To amend Code of Alabama 1940, Title 15, Section 325 relative to place of confinement for persons sentenced to three years or less imprisonment.

Was read a third time at length and passed.

Yeas 89; Nays 0.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—89

And the bill:

S. 113. To authorize the State Board of Pardons and Paroles to charge parolee residents of community residential facilities a monthly amount for room and board; to provide that such charge may be waived upon written recommendation by the director of the facility; to provide for earmarking the proceeds from such charges; to authorize said board

to promulgate and effect such rules and regulations necessary for the implementation of this act and to repeal conflicting statutes.

Was read a third time at length and passed.

Yeas 90; Nays 0.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, McCulley, McMillan, McNair, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—90

And the bill:

S. 94. To provide for application for review of felony sentences of five or more years, except death sentences, by a panel of three circuit judges appointed from time to time by the Presiding Judge of The Court of Criminal Appeals.

Was read a third time at length and lost.

Yeas 30; Nays 55.

*Yeas:*

Messrs.: Barron, Cooper, Hall, Harrison, Hill, Howard, Jackson (R), Johnstone, Kennedy, LeFlore, Leonard, Lewis, Lockett, McCulley, McNair, Malone, Merrill, Mitchem, Plaster, Porter, Quarles, Reed, Rich, Sandusky, Smith (C), Sonnier, Taylor, Tucker, Warren and Wyatt.

—30

*Nays:*

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Clark, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Higginbotham, Holley, Jackson (F), Jolly, Killian, Kinsey, Lutz, McCluskey, McNees, Manley, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (J), Smith (M), Sparks, Teague, Turnham, Venable, Waggoner, Weeks, Whatley, White and Williams.

—55

And the bill:

S. 51. To appropriate $50,000.00 from the general fund in the state treasury to the general fund of Escambia County as reimbursement for costs incurred in the trial of state inmates in that county.

Was read a third time at length and passed.

Yeas 87; Nays 1.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn,

Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—87

*Nay*: Mr. Smith (J). —1

And the bill:

S. 102. To provide for the licensing of speech pathologists and audiologists; to establish an Alabama Board of Examiners for Speech Pathology and Audiology; to define the powers and duties of such board; to prescribe licensing standards, procedures, and fees; to provide a penalty for violation of this act; and to repeal conflicting laws.

Was taken up.

Mr. Lee offered the following amendment to the bill:

On page 5, add the following subsection H to Section 4:

H. A person certified as a certified hearing aid audiologist by the National Hearing Aid Society from using the title "Certified Hearing Aid Audiologist."

AMENDMENT TABLED

On motion of Mr. Turnham, the amendment offered by Mr. Lee to the bill, S. 102, was tabled.

Yeas 55; Nays 33.

*Yeas:*

Mr. Speaker, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Ford, Glass, Goodwin, Greer, Higginbotham, Hines, Jackson (F), Johnstone, Kennedy, Killian, Lewis, McCluskey, McNees, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Porter, Quarles, Reed, Rich, Roberts, Sasser, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Tucker, Turnham, Warren, Weeks, Whatley, Williams and Wyatt.

—55

*Nays:*

Messrs.: Albright, Armstrong, Clark, Cooper, Folmar, Gafford, Gregg, Hall, Harrison, Hill, Holley, Howard, Jackson (R), Johnson, Jolly, Kinsey, Lee, Leonard, Lockett, Lutz, McCulley, McMillan, McNair, Merrill, Moore (O), Riddick, Robertson, Smith (B), Taylor, Trammell, Venable, Waggoner and White.

—33

And the bill, S. 102, was read a third time at length and passed.

Yeas 70; Nays 8.

*Yeas:*

Mr. Speaker, Albright, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Drake, Falkenburg,

Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, McCulley, McMillan, McNees, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Taylor, Tucker, Turnham, Venable, Warren, Weeks, Whatley, Williams and Wyatt.

—70

*Nays:*

Messrs.: Cates, Lutz, McCluskey, Merrill, Morris, Smith (J), Waggoner and White.

—8

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 10. CREATING A SELECT JOINT INTERIM COMMITTEE TO STUDY THE FEASIBILITY OF INITIATING A PILOT PRISONER RELEASE PROGRAM.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Robertson, the House concurred in and adopted the Senate amendment to the resolution, H. J. R. 10, said Senate amendment being as follows:

Amend H. J. R. 10 as follows:

On page 2 line 35 add the following paragraph:

The pay of the members of the committee shall be the same as their regular legislative per diem and the expense allowance for each day while in the attendance of committee meetings to be computed as set forth in the Code of Alabama. The pay and expenses of the committee and its assistants shall be paid from funds appropriated to the use of the Legislature.

And the resolution, H. J. R. 10 as thus amended, was adopted.

S. 97 RE-REFERRED

On motion of Mr. Lutz, the Speaker re-referred the bill, S. 97 from the Standing Committee on Local Government to the Standing Committee on Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Clemon:

S. J. R. 19. AUTHORIZING AND PAYING FOR ATTENDANCE OF TWO LEGISLATIVE MEMBERS AT ANNUAL MEETING OF SOUTHERN GROWTH POLICIES BOARD.

WHEREAS, The annual meeting of the Southern Growth Policies Board will take place on November 11-13 in Pinehurst, North Carolina; and

WHEREAS, This important meeting will concern public policies related to economic stability and productivity in the South; and

WHEREAS, The Legislature feels that attendance of the two legislative members of the Southern Growth Policies Board is imperative, and will be most productive; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the two legislative members of the Southern Growth Policies Board, or their appointed representatives, are urged to attend the annual meeting on November 11-13 in Pinehurst, North Carolina.

BE IT FURTHER RESOLVED That the expenses of attending said meeting be paid out of funds appropriated to the use of the Legislature.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Gafford, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 19, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Ellis:

S. J. R. 20. CREATING A JOINT INTERIM COMMITTEE TO STUDY RECOVERY, REUSE AND RECYCLING OF MATERIALS.

WHEREAS, Resource conservation and reuse is essential as demands on limited resources increase; and

WHEREAS, such methods and systems not only conserve materials but also conserve energy; and

WHEREAS, other states are implementing and investigating programs to recover resources and the economics and technology of recovery; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That A Joint Interim Committee be created to study methods and systems for recovery, reuse and recycling of materials and the economic aspects thereof. The committee shall prepare a report and deliver same to the Legislature not later than the tenth Legislative day of the 1976 Regular Session. If the committee should conclude that legislation is necessary to implement any recommendations it may have, a copy of such model legislation shall be attached to the report.

The committee shall consist of three members of the Senate appointed by the President of the Senate and three members of the House of Representatives appointed by the Speaker of the House, a representative of the Departments of Conservation and Natural Resources and Public Health appointed by the Directors of the Departments.

The Legislative members of this committee shall be entitled to receive their regular legislative pay and per diem for attending meetings of this committee.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Crowe, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 20, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs.: Vacca, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby Stewart, Torbert, Waldrop, Weaver and Wilson:

S. J. R. 18. CONGRATULATING SENATOR FRED JONES ON HIS PROMOTION TO BRIGADIER GENERAL IN THE ALABAMA ARMY NATIONAL GUARD.

WHEREAS, our esteemed colleague, Senator Fred Jones has served our country and our state for twenty years in the Alabama Army National Guard; and

WHEREAS, the Senator from Montgomery recently reached another milestone in his steady rise in military prominence, attaining the rank of Brigadier General on October 7, 1975, and assuming the post of Assistant State Adjutant General; and

WHEREAS, on this occasion this body would like not only to congratulate Senator Jones on this notable accomplishment, but to commend him for his distinguished record of service in the Guard as well as within the Civil Defense Department, where he so ably served as assistant director; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend General Fred Jones for his proud service to his state and country, and offer our sincere congratulations on his promotion to Brigadier General in the Alabama Army National Guard.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Barron, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 18, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Torbert:

S. J. R. 10. DIRECTING THE DEPARTMENT OF PUBLIC SAFETY TO PROVIDE SECURITY TO THE LEGISLATURE OF THE STATE OF ALABAMA.

WHEREAS, due to the trying times and the harrassment and danger to elected officials, the Legislature of Alabama feels that there is a need that they be furnished security along with other elected officials; and

WHEREAS, the members of the Legislature of the State of Alabama are in session every year and numerous people from all walks of life visit the Capitol of the State of Alabama and are allowed to come and go at will; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, that it desires the Department of Public Safety to furnish such security as is necessary to insure the safety of the members of the Legislature and provide the order necessary to carry out the legislative duties.

BE IT FURTHER RESOLVED That the Clerk of the House of Representatives is instructed to deliver a copy of this resolution to the Director of the Department of Public Safety.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Callahan, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 10, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Torbert:

S. J. R. 11. Joint resolution establishing Alabama Council on Historic Pilgrimages.

WHEREAS, the State of Alabama is blessed with an outstanding collection of buildings of architectural and historic significance to both the state and the United States and,

WHEREAS, the preservation and display of these buildings is to the benefit of the state, its travel and tourist industry, and

WHEREAS, there exists a definite need in the state of Alabama to coordinate the dates of the existing and proposed future historic land mark pilgrimages, and to coordinate the necessary publicity and promotional efforts required in connection with said pilgrimages, and

WHEREAS, there already exists in the state of Alabama a state agency known as the Alabama Historical Commission, which said commission is fully qualified to provide the necessary general supervision of the actions of such a council.

NOW THEREFORE BE IT RESOLVED by the Legislature of Alabama, both houses concurring, that there is hereby created the Alabama Council on Historic Pilgrimages, the same to be established under the auspices of the Alabama Historical Commission, a state agency, said council having the purpose of coordinating the efforts of each of the existing and proposed historic pilgrimages in the state of Alabama, whether publicly or privately sponsored.

BE IT FURTHER RESOLVED THAT said council shall consits of seven individual members, one being appointed from each of the six districts of the state as the same shall be established by the Alabama Historical Commission, and one being a representative of the Alabama Historical Commission. Additionally, there shall be two ex officio individual members, one representing the Alabama Travel Council and one representing the State Bureau of Publicity and Information.

BE IT FURTHER RESOLVED that the individual members of the Alabama Council on Historic Pilgrimages who represent the six above described districts shall each be appointed, initially, by the Alabama Historical Commission, and three of the initially appointed members shall serve for terms of one year with the other three serving for terms of two years each. Subsequent to the initial appointment, future individual members of the council shall be named for terms of two years each, and such future members of the council shall be named by the member historic pilgrimage organizations within the district represented by such council member. The Alabama Council on Historic Pilgrimages shall have the authority to establish such policies as it deems necessary for the carrying out of its purposes and to admit as general non-voting members of the council such organizations in the state of Alabama, engaged in the business of historic pilgrimages, as it may, in its discretion, determine.

BE IT FURTHER RESOLVED that said council shall have among its duties, the duty to work closely with the Alabama Travel Council and the State Bureau of Publicity and Information and that such organizations shall, themselves, provide assistance and advice to the Alabama Council on Historic Pilgrimages.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Callahan, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 11, set out in the above and foregoing Message from the Senate.

SPECIAL ORDER RESUMED

And the bill:

S. 138. (With Amendment): To amend Act No. 1148, H. 600, Regular Session 1975, relating to the practice of optometry, by removing certain repetitious clauses, renumbering certain sub-paragraphs, and by correcting certain erroneous citations and conflicting paragraphs.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Health, said committee amendment being as follows:

Amend Senate Bill 138 by adding after the word profession in line 40, page 5 the following: or hospital

AMENDMENT TABLED

On motion of Mr. Starkey, the amendment reported by the Standing Committee on Health was tabled.

Yeas 36; Nays 5.

*Yeas:*

Messrs.: Andrews, Baker, Biddle, Brindley, Carter, Clark, Coburn, Crawford, Dial, Drake, Glass, Holley, Jackson (F), Kinsey, LeFlore, Lewis, Lockett, McCulley, McMillan, McNees, Moore (O), Owens, Quarles, Riddick, Roberts, Sandusky, Sasser, Smith (M), Sparks, Teague, Trammell, Venable, Waggoner, Warren, Weeks and Whatley.

—36

*Nays*: Messrs.: Armstrong, Barron, Falkenburg, White and Wyatt. —5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Mr. Kelley offered the following amendment to the bill, S. 138:

Amend Senate Bill 138 on page 5 by deleting the second paragraph of "Section 17" in its entirety, beginning on line 13 and ending on line 28, and substituting therefor the following:

A license to practice optometry as provided herein shall not be required for the sale, preparation or dispensing of any type of eyeglasses, spectacles or contact lenses in a retail optical dispensary or from a store, shop or other permanently established place of business with an optical department on prescription of a duly licensed physician skilled in diseases of the eye or a duly licensed optometrist authorized to practice under the laws of this state.

AMENDMENT TABLED

On motion of Mr. Starkey, the amendment offered by Mr. Kelley to the bill, S. 138, was tabled.

Yeas 29; Nays 14.

*Yeas:*

Messrs.: Andrews, Baker, Biddle, Carter, Clark, Coburn, Drake, Ford, Greer, Hill, Holley, Kelley, LeFlore, Lockett, McNees, Manley, Merrill, Mitchem, Moore (O), Owens, Roberts, Sandusky, Sasser, Smith (B), Sparks, Trammell, Venable, Waggoner and Wyatt.

—29

*Nays:*

Messrs.: Armstrong, Barron, Crawford, Crowe, Falkenburg, Gafford, Hall, Harrison, Lee, Leonard, McCulley, McNair, Malone and White.

—14

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 138, was read a third time at length and passed.

Yeas 68; Nays 0.

*Yeas:*

Messrs.: Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Drake, Falkenburg, Folmar, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hines, Holley, Jackson (F), Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Morris, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—68

And the bill:

S. 39. To make an additional appropriation from the State treasury to the use of the Legislative Reference Service for the payment of costs of printing and publishing the index of local laws, for cost of equipment, supplies and for other expenses.

Was read a third time at length and passed.

Yeas 78; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Glass, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Hopping, Jackson (F), Johnstone, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, McCulley, McMillan, McNair, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—78

And the bill:

S. 106. To make an appropriation from the general fund in the state treasury to be used by the Alabama Code revision committee named in the State of Alabama's contract with Michie and Bobbs-Merrill Company for the purposes of the contract; namely, revising, digesting and codifying the statutes of the state of a general and permanent nature, and otherwise implementing the adoption and publication of a new code.

Was read a third time at length and passed.

Yeas 81; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Crawford,

Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, McCulley, McMillan, McNair, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—81

And the bill:

S. 34. To amend Section 1 of Act No. 1237, S. 254, 1975 Regular Session (m. s.), so as to allow service-connected disabled veterans to be exempted from privilege or license tax and registration fee levied on automobiles and motor vehicles; to provide for a refund to persons who purchase their tags before the effective date of this act.

Was read a third time at length and passed.

Yeas 85; Nays 2.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Hopping, Jackson (F), Johnson, Johnstone, Kelley, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—85

*Nays*: Messrs.: Killian and McNair. —2

RESOLUTION

The following resolution was introduced:

By Mrs. Quarles:

H. J. R. 53. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That the following joint rule be adopted:

When a bill is to be reported out of a committee by reason of, or pursuant to, an agreement among members of the committee as to floor action to be taken at the time the bill is considered on third reading, then the committee secretary shall prepare a written memorandum of the agreement for the signature of the chairman, which memorandum shall be filed at the time of the second reading of the bill with the Clerk of the House, if the committee be a House committee or Secretary of the Senate, if the committee be a Senate committee, and in the event the floor action referred to in the memorandum is not taken, then in that event any member of the committee who deems himself aggrieved by the absence of action in accordance with the memorandum, shall be entitled to have bill be recommitted.

On motion of Mr. Reed, the resolution, H. J. R. 53, was carried over to the sixth legislative day.

SPECIAL ORDER RESUMED

S. 100 TEMPORARILY CARRIED OVER

On motion of Mr. Mitchem, the bill, S. 100, was temporarily carried over.

RESOLUTION

The following resolution was introduced:

By Messrs. Hill, Greer, Coburn and Goodwin:

H. J. R. 54. REQUESTING THE UNIVERSITY OF NORTH ALABAMA TO GIVE UNIVERSITY EMPLOYEES A COST OF LIVING INCREASE.

WHEREAS, the rate of inflation in this country has continued to steadily rise causing financial burdens on millions of hard-working citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we urge the administration of the University of North Alabama to consider all employees of the University of North Alabama who have not received a cost of living increase in salary within 12 months from the passage of this resolution, a salary increase in such amount as to compensate for the increases in the cost of living. This increase shall be in addition to any salary received for the 1974-75 academic year and all salary increments due.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to each member of the Board of Trustees of the University of North Alabama.

The motion offered by Mr. Hill to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 54, was lost.

And the resolution was read and referred to the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

S. 42. To make an appropriation to the Department of Agriculture and Industries for control and eradication of a destructive insect pest known as the fire ant.

Was read a third time at length and passed.

Yeas 78; Nays 2.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Campbell, Carothers, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Holley, Holmes, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Porter, Reed, Rich, Roberts, Robertson, Sandusky, Sasser,

Smith(B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Trammell, Venable, Warren, Weeks, Whatley, Williams and Wyatt.

—78

*Nays*: Messrs.: Barron and Leonard. —2

And the bill:

S. 100. To amend Act No. 763, Regular Session, 1973, which relates to subsistence allowances for law enforcement officers while on duty and to authorize expenditure of funds for that purpose.

Was read a third time at length and passed.

Yeas 71; Nays 0.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hines, Holley, Holmes, Jackson (F), Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Porter, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Taylor, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—71

## S. 37 TEMPORARILY CARRIED OVER

On motion of Mr. Kelley, the bill, S. 37, was temporarily carried over.

And the bill:

S. 55. To authorize the County Commission or like governing body of each of the several counties to appoint an Engineer Trainee; to provide for the qualifications and duties of such Engineer Trainee; and to provide for State participation in the salary of such Engineer Trainee appointed.

Was read a third time at length and passed.

Yeas 66; Nays 0.

*Yeas:*

Mr. Speaker, Baker, Barron, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Drake, Edwards, Folmar, Goodwin, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Hines, Holley, Hopping, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Mitchem, Moore (O), Owens, Pegues, Plaster, Porter, Reed, Rich, Riddick, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Warren, Whatley, White, Williams and Wyatt.

—66

And the bill:

H. 93. To prohibit the abuse, neglect or exploitation of aged or disabled adults; to provide protective services for such persons; to require mandatory reporting by physicians and others of abuse, neglect

or exploitation of such persons; to exempt persons reporting such abuse, neglect or exploitation from civil or criminal liability in connection with such reporting; to prescribe penalties for the abuse, neglect or exploitation of aged or disabled adults; and to provide penalties for failure of physicians and other practitioners of the healing arts to report such abuse, neglect or exploitation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Barron, Biddle, Campbell, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (R), Johnstone, Jolly, Kennedy, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—78

And the bill:

H. 238. (With Amendment): To regulate further the Aid to Dependent Children program; to authorize and empower the Department of Pensions and Security to operate child support programs, locate absent parents, establish paternity, enforce child support obligations, to collect and distribute support payments, and to conform with certain provisions of the Social Security Act, as amended, in order to obtain maximum benefits under the Social Security Act, as amended; and to prescribe penalities.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 238, on page 4, Section 9, subsection (b), line 24, by adding the following immediately after the word "notice" where said word appears thereon:

by any court having jurisdiction

And the amendment was adopted.

Yeas 77; Nays 0.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Hopping, Howard, Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster,

Porter, Reed, Rich, Riddick, Roberts, Robertson, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Taylor, Trammell, Tucker, Venable, Warren, Weeks, Whatley, Williams and Wyatt.

—77

And the bill, H. 238 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Barron, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Johnstone, Jolly, Kennedy, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, White, Williams and Wyatt.

—74

## RESOLUTION

The following resolution was introduced:

By Mr. Hill:

H. J. R. 55. REQUESTING THE UNIVERSITY OF NORTH ALABAMA TO CONSIDER A COST OF LIVING SALARY INCREASE FOR UNIVERSITY EMPLOYEES.

WHEREAS, the rate of inflation in this country has continued to steadily rise causing financial burdens on millions of hard-working citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we urge the administration of the University of North Alabama to consider all employees of the University of North Alabama who have not received a cost of living increase in salary within 12 months from the passage of this resolution, a salary increase in such amount as to compensate for the increases in the cost **of living.**

The motion offered by Mr. Hill to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 55, was lost, lacking a four-fifths vote.

Yeas 34; Nays 12.

*Yeas:*

Messrs.: Andrews, Armstrong, Brindley, Coburn, Dial, Folmar, Ford, Goodwin, Greer, Hall, Hill, Hilliard, Holley, Holmes, Howard, Johnson, Johnstone, Jolly, Kennedy, LeFlore, Leonard, Lewis, McNees, Mitchem, Naramore, Porter, Rich, Sparks, Starkey, Taylor, Teague, Tucker, Venable and Williams.

—34

*Nays:*

Messrs.: Campbell, Cates, Crowe, Drake, Gafford, Hopping, Lutz, Manley, Owens, Pegues, Smith (B), and White.

—12

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the resolution, H. J. R. 55, was read and referred to the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

S. 37. To amend Section 4 of Act No. 712, H. 48, Acts of Alabama 1951 (Acts 1951, Vol. II, p. 1250) relating to tourist advertising, to permit the purchase of intrastate advertising of state-owned parks by bureau of publicity and information.

Having been temporarily carried over, was taken up.

Mr. Kelley offered the following amendment to the bill:

Amend S. B. 37 by striking those words that commence on line 28, page 1 with the word "Provided" and continue through the words "; and" on line 36, page 1. Begin the word "further" with a capital letter so as to begin a new sentence.

And the amendment was adopted.

Yeas 75; Nays 0.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Hopping, Howard, Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Waggoner, Warren, Weeks, Williams and Wyatt.

—75

And the bill, S. 37 as thus amended, was read a third time at length and passed.

Yeas 71; Nays 0.

*Yeas:*

Mr. Speaker, Andrews, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (R), Johnstone, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Porter, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Taylor, Trammell, Turnham, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—71

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 51. COMMENDING TAYLOR HARDIN AND STAFF FOR PROGRESS IN THE MENTAL HEALTH FIELD.

Also:

H. J. R. 48. COMMENDING AND THANKING REVEREND GUS NICHOLS FOR HIS MANY CONTRIBUTIONS TO JASPER AND WALKER COUNTY.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 9. To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1976.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Mr. Merrill offered the motion that the House non-concur in the Senate amendment to the bill, H. 9, and request a Committee on Conference, said Senate amendment being as follows:

On page 11, insert after Section S (j) the following:

(k) There is hereby appropriated to the State Department of Education for the exclusive purpose of purchasing from Capitol Development Company, Ltd. certain real property the legal description of which is set out in recorded mortgage deed at Real Property Vol. 193 at pages 813 through 825 in Montgomery County, said property consisting of 68,000 square feet more or less in the City of Montgomery in a city block bounded by the streets of Washington Avenue, Decatur Street, Hull Street and Adams Avenue, the sum of $1,611,000.

There is hereby appropriated to the State Department of Education for the exclusive purpose of purchasing and exercising an option held by Capitol Development Company, Ltd. to purchase from the Scottish Rite Association of Alabama certain real property adjacent and contiguous to the above described property of Capitol Development Company, Ltd., the sum of $475,250.

The State Superintendent of Education, the State Board of Education and all other responsible parties are hereby mandated and required to purchase the property for which said appropriations are herein provided no later than thirty (30) days after the effective date of this act. The Legislature hereby mandates and requires the expenditure of the sums appropriated herein for the above stated purposes, notwithstanding the provisions of any other law of the State of Alabama, including Title 55, Sections 101 and 102 of the Code of Alabama 1940 (recompiled 1958).

Amend Owen substitute to House Bill No. 9 Page 15 Line 24, by striking out $5,160,000.00 and substituting in lieu thereof the figure: $5,414,-000.00.

Amend Senate Substitute to H. Bill No. 9 as Substituted on Page 4 Line 16, 17, 18, by striking out Section 3 J (d) in its entirety.

Further amend the Senate Substitute by striking the figure $353,935,-100.00 on page 6, line 32, and inserting the figure $353,435,100.00.

Further amend the Senate Substitute by striking the figure $372,334,-050.00 on page 10, line 35, and inserting the figure $371,834,050.00.

Amend Owen Substitute to House Bill No. 9 Page 5 Line 12, by striking out the following unnumbered paragraph in its entirety, to-wit:

"In either the 8th or 9th grade in every school system in this state, there shall be taught for one school year, a course in Basic Economics."

A BILL
TO BE ENTITLED
AN ACT

To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1976.

Be It Enacted by the Legislature of Alabama:

Section 1. That for the purpose of this Act, the following classifications, definitions and restrictions shall be applicable: (a) "salary" and "other salaries", wherever appearing herein, shall mean the wages or other compensation for skill, work or employment for anyone performing services for the State of Alabama as an employee, officer or official, and shall be expended only for such purposes; (b) "other expenses" shall mean the operating costs of agencies, departments, boards, bureaus and institutions of the State, other than salaries and equipment purchases and shall be expended only for operating costs incident to the normal operations of such agencies, departments, boards, bureaus and institutions, including supplies and materials, postage, telephone, telegraph, express, travel expense, motor vehicle operations, lights, water, power, insurance and bonding, printing and binding, repairs, rental and items of general expense not defined as "equipment purchases", and the money appropriated therefor shall be expended only for such purposes; (c) "equipment purchases" shall mean those items of office equipment, motor vehicle equipment and other equipment which have an appreciable and calcuable period of usefulness in excess of one year; (d) "automotive equipment purchases" shall mean those items of motor vehicle equipment only and the money appropriated therefor shall be expended only for such purposes. The amounts herein appropriated for "equipment purchases" and "automotive equipment purchases" shall be decreased by the amount of the sale, trade-in or exchange of the items of equipment purchases and automotive equipment purchases as described in Section 1 (c) and (d) hereof. Provided, however, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

Section 2. The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and are hereby made for the support

of public education in Alabama for the fiscal year ending September 30, 1976, and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 3, Chapter 4, Title 55 of the Code of Alabama 1940) and shall be in the amounts specified in said sections.

Section 3. STATE BOARD OF EDUCATION:

A. For Adult Basic Education:

| | | |
|---|---|---|
| To be used to match Federal Funds for a removal of illiteracy program | | 300,000.00 |

B. Athens College:

| | | |
|---|---|---|
| Operation and maintenance | | 1,000,000.00 |

C. Civil Defense Survival Plan:

| | | |
|---|---|---|
| For salaries and other expenses only, in the operation of the Civil Defense Plan | | 17,000.00 |

D. Civilian Rehabilitation:

| | | |
|---|---|---|
| For the vocational rehabilitation of handicapped individuals | 4,860,000.00 | |
| For the Governor's Committee on Employment of Handicapped | 40,000.00 | |
| For Medical Services, adjustment training and attendant care for paraplegics and quadraplegics | 800,000.00 | |
| Total | | 5,700,000.00 |

E. For Compact for Education 15,750.00
(To be expended in accordance with Act No. 1143, 1969 Regular Session.)

F. Coordination of In-School Television Program:

| | | |
|---|---|---|
| For salaries | 80,000.00 | |
| For other expenses | 19,000.00 | |
| For equipment purchases | 1,000.00 | |
| Total | | 100,000.00 |

G. For Driver Education, School Bus Driver Training and Vehicle Safety Inspection:

| | | |
|---|---|---|
| For salaries | 218,000.00 | |
| For other expenses | 80,000.00 | |
| For equipment purchases | 4,000.00 | |
| Total | | 302,000.00 |

H. For Driver Education 4,415,000.00

I. Drug Education Program:
For the necessary education on drug abuse 163,625.00

J. DEPARTMENT OF EDUCATION:

(a) For the Department of Education:

| | | |
|---|---|---|
| For the salary of the State Superintendent, Estimated | 40,000.00 | |
| For other salaries | 1,036,992.00 | |
| For other expenses | 160,000.00 | |
| For rental expense | 475,000.00 | |
| For equipment purchases | 20,000.00 | |
| For transfer to State Personnel Department | 30,800.00 | |
| Total | | 1,762,792.00 |

(b) For the "Right To Read Program" 50,000.00

(c) For operation of the Teacher Certification Program 200,000.00

(d) Early Childhood Education Program: For administration 90,000.00

(e) For Legal Reference Manuals for all Local School Boards 25,000.00

(f) For the City and County School Systems which participate in the Pilot Program of Educational Program Management Budgeting. The Systems participating shall be eligible upon certification by the Alabama Education Study Commission to the State Department of Education of the systems participating in this Pilot Program. All monies not used for this purpose shall revert to the Alabama Special Educational Trust Fund 70,000.00

(g) Regional Education 160,000.00

(h) For the Kindergarten Pilot Program 500,000.00

K. Elementary Teachers Scholarship Fund 25,000.00

L. Free Textbooks:

| | | |
|---|---|---|
| For salaries | 63,332.00 | |
| For other expenses | 40,000.00 | |
| For disbursements to local boards | 62,250.00 | |
| For equipment purchases | 1,000.00 | |
| For the repair of used and the purchase of new textbooks | 6,318,418.00 | |
| For operation of Course Study Commission | 15,000.00 | |
| Total | | 6,500,000.00 |

In either the 8th or 9th grade in every school system in this state, there shall be taught for one school year a course in Alabama Government, which course shall include City and County Governments in Ala-

bama, the State Government of Alabama, including organization, duties and functions at city, county and state governmental levels, as well as their respective relationships with the Federal Government and its powers.

In either the 8th or 9th grade in every school system in this state, there shall be taught for one school year, a course in Basic Economics.

M. Alabama School of Fine Arts:
For operation and maintenance ..... 300,000.00

N. Department of Education In-Service Training:

| | | |
|---|---|---|
| For salaries | 150,000.00 | |
| For other expenses | 50,000.00 | |
| Total | | 200,000.00 |

O. Junior College Equalization Account:

For operation and maintenance of the Junior Colleges listed below, to be distributed on a formula adopted by the State Board of Education ..... 28,437,100.00

(The above appropriation is to be distributed to the following Junior Colleges: (1) Alexander City State Junior College; (2) S. D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George Corley Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College.)

Of the amount appropriated to the Junior College Equalization Account, the sum of $575,000.00 shall be appropriated and distributed to the Wallace Community College at Hanceville, Alabama.

Of the above appropriations contained herein in Section 3, paragraph O not more than the sum of $200,000.00 may be used by the State Board of Education for administration of the state junior college program.

Q. Of the amount above beginning with the fiscal year 1975-76 in addition to the salary received and all salary schedule increments due, all professional staff employed shall receive an increase of not less than twelve and seven-hundredths per centum (12.07%) of the state junior college salary schedule for the school year 1974-75.

R. To supplement federal funds available under the provisions of the Comprehensive Employment and Training Act ..... 350,000.00

S. Minimum Program Fund:

(a) In addition to all other funds appropriated for the public elementary and high schools of the State, there is hereby appropriated to the State Board of Education for the fiscal year ending September 30, 1976, the sum of $353,935,100.00 to be known as the Minimum Program Fund, which in accordance with the statutes and regulations of the State Board of Education relating to the expenditure of such fund, shall be used for providing a minimum term and for the equalization of educational opportunity in the public schools of the State; provided, that so much thereof as may be necessary of the above appropriations shall be used by the State Board of Education to provide for additional teacher units for each school system in the State which on the basis of current school attendance shall be entitled to additional teacher units over the number allowed based on the year immediately preceding said current year, provided further, that in no case shall a term of less than nine months in tax districts be approved, except that the State Board of Education, upon the recommendation of the State Superintendent of Education shall be authorized to make full allotments of funds to any school system for the time actually taught, if in the judgment of the State Superintendent of Education and the State Board of Education unusual conditions beyond the control of the local Board of Education in any school are such as to prevent the operation of that school for the required nine months minimum term; provided further, that the amount herein appropriated for the Minimum Program Fund shall include all monies earmarked for public school teachers' salaries as provided in the Income Tax Amendment ratified on the 26th day of August, 1947. The Minimum Program Fund shall also include any other appropriations of funds, either State or Federal, which may be designated by the Legislature as a part of the Minimum Program Fund.

(b) It is provided that from the appropriation hereinabove made the State Board of Education shall allocate and pay from said appropriation not less than three hundred fifty-five (355) additional teacher units for the program for exceptional children over and above the current allocation. Twenty-five (25) of the teacher units appropriated may be used in early education programs for exceptional children and twenty-five (25) teacher units may be used in regional multi-system, and/or state-wide programs for exceptional children. Anything to the contrary notwithstanding, no additional teacher units may be used for administration personnel.

(c) All special education units other than the early childhood and multi-system units, and units to reduce the number of pupils in grades 1-3 shall be allocated to local school systems on the basis of enrollment. Units earned by a system on this basis which are not used by such system may not be reallocated to other systems except those units necessary to guarantee school systems not less than the number of units allocated to them during the 1974-75 school year. Unallocated units shall remain earmarked for the systems designated for use during subsequent fiscal years.

(d) Two hundred and fifty dollars ($250) per teacher unit for grades K-6 and three hundred dollars ($300) per teacher unit for grades 7-12 is herein appropriated to the State Board of Education for all teachers employed (except ESEA Title I and Title III teachers and ESAA teachers) and shall be allocated to each county and city board of education for the purchase of instructional supplies, materials, and equipment,

excluding furniture and fixtures. Each local county and city board of education shall allocate to the schools in their respective systems an amount as set forth hereinabove for each teacher unit in such school provided from funds from the State. The faculty and principal of each school shall determine the amount to be allocated for the operation of the instructional program to each teacher within the school and shall submit a schedule of allotment for each teacher to the local board of education. The local school board shall issue purchase orders and pay invoices and shall handle all financial transactions in compliance with this section. It is the intent of the legislature that no fees shall be collected in the future in courses required for graduation. In non-required courses local school boards may set reasonable fees for courses requiring laboratory and shop materials and equipment; provided, however, such fees shall be waived for students who cannot afford to pay the fees. This section shall not be construed to prohibit community groups or clubs from fund raising activities; provided, however, that students shall not be required to participate in such fund raising activities. Provided further, it is the intent of the Legislature that no local school board shall reduce the amount of funds which it allocated for the 1974-75 school year for the purchase of instructional materials and supplies. There is hereby appropriated in addition to that above the sum of $10,029,700.00.

(e) It is provided that beginning with the fiscal year 1975-76 that in addition to the salary now received, and all other local increment due, all teachers under the Minimum Program shall receive a salary increase as follows: AA teachers not less than twelve hundred thirty-two dollars (1232) per annum; Rank I teachers not less than one thousand one hundred sixty dollars ($1,160) per annum; Rank II teachers not less than one thousand dollars ($1,000) per annum; Rank III teachers not less than one thousand dollars ($1,000) per annum; Rank IV teachers not less than one thousand dollars ($1,000) per annum. Any county or city board of education failing to comply herewith shall not be entitled to participate in the Minimum Program Fund. All school bus drivers shall receive a salary increase of not less than twelve per centum (12%) per annum, and any county or city board of education failing to comply herewith shall not be entitled to share in the Minimum Program Fund.

It is provided that in addition to all units earned by the local school system under the Minimum Program Fund calculation one (1) extra unit or fraction thereof shall be awarded for each aggregate of fifteen (15) units or fraction thereof earned in said Minimum Program Fund calculation including regular, and special education units. The local school system shall assign to each school within the system at least the number of teacher units earned by that school using the Minimum Program Fund calculation and the additional units earned through the one (1) to fifteen (15) ratio as set forth herein. No school system may reduce during the school year the number of teachers it employed with the local funds during the school year 1974-75 except in instances where all schools within the system are accredited or have met every requirement of accreditation with respect to teacher/pupil ratios. The local school system shall furnish the State Department of Education such information as may be necessary to determine that the provisions of this section have been implemented.

(f) In addition to the appropriation hereinabove made to the Minimum Program, there is hereby appropriated funds for two (2) days personal leave at $17.00 per teacher unit for each teacher earned under the Minimum Program formula to be granted upon request of the teacher and administered by the State Board of Education and by local school boards under procedures governing sick leave for the fiscal year ending September 30, 1976, the sum of $1,138,218.00.

(g) In addition to the appropriation hereinabove made to the Minimum Program (sub-section S) and Vocational Education (sub-section AA) and Driver Education (sub-section H) in grades 1-12, there is hereby appropriated the sum of Two Hundred Sixteen Dollars ($216.00) per annum per teacher, administrative or supervisory unit as located under the Minimum Program, Vocational Education Program and any other units paid from State or local funds to provide hospital-medical insurance assistance.

Provided further that any professional employee eligible for hospital-medical assistance who may be subject to coordination of benefits because of their coverage for hospital-medical assistance by carrier other than those selected under this act, be protected from such coordination of benefits to the extent provided by regulation No. 56 of Alabama Department of Insurance. It being the intent of this appropriation to provide hospital-medical insurance assistance to those qualified professional employees in the amount set forth in this appropriation and such insurance coverage not to be subject to coordination of benefits.

These funds shall be made available to local boards of education with a majority of the local participating professional employees selecting the plan(s) and the carrier(s) of the hospital-medical insurance in that system. Any funds not used in the fiscal year shall revert to the Alabama Special Educational Trust Fund. There is hereby appropriated the sum of $7,231,032.00 for the fiscal year ending September 30, 1976, for the purpose of carrying out the provisions of this sub-section.

(h) In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

The amount necessary for the payment of Board of Adjustment awards in accordance with the Minimum Program statutes and regulations.

For "Other Current Expenses" a sum not to exceed $1,543.43 for each earned teacher unit.

For Principal Supplement the sum shall not exceed $72.00 for each earned teacher unit.

For Capital Outlay the sum shall not exceed $64.87 for each earned teacher unit.

Sick leave days shall be paid at the rate of $17.00 per day.

The salary allotment shall be made in accordance with the schedule set out herein above.

The above appropriation contained in sub-section (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of $22,866,490.00.

The appropriation herein above set out for the fiscal year 1975-76 in the amount of $372,334,050.00 is based on 30,573 teacher units.

It is provided that in the event there are more than 30,573.00 earned teacher units in the fiscal year 1975-76, then such amounts as are necessary to pay for these excess teacher units is hereby appropriated.

It is further provided that in the event that there be less earned teacher units than those set out above than the amount that would have

been necessary to pay for these earned teacher units shall not be allotted or paid out.

(i) In addition to teacher units allocated above, it is further provided that 300 additional regular teacher units shall be made available for allocation in grades 1-3 of the county and city school systems for the fiscal year ending September 30, 1976. It is the intent of the legislature that priority be given to reduction of class size in grades 1-3, therefore the Alabama Education Study Commission and the State Department of Education shall have the authority to insure that the intent of the legislature is implemented. Any teacher units allocated under the provisions of this section shall be used in grades 1-3 unless the pupil-teacher ratio of 25-1 has already been achieved. In such event, the units may be used in grades 4-6.

(j) In addition to all other teacher units allocated to Jackson County, it is further provided that two vocational agricultural teacher units be allocated to Skyline High School and two vocational agricultural teacher units be allocated to North Sand Mountain High School.

| | | | |
|---|---|---|---|
| T. | Minimum Program Account: | | |
| | Trainable Retarded Children: For the administration of a program for exceptional children and youth | | 426,812.00 |
| | The appropriation hereinabove made shall be expended by the State Board of Education for the cost incurred by the State Department of Education in the administration of this program. The appropriation for Special Education is the same appropriation as set out in Act No. 67, approved June 27, 1963, and shall be expended in accordance with that Act. | | |
| U. | National Defense Education Program | | 275,000.00 |
| V. | Physical Restoration of Crippled Children (Crippled Children's Service): | | |
| | For salaries | 450,000.00 | |
| | For Handicapped Individuals | 2,800,000.00 | |
| | Total | | 3,250,000.00 |
| W. | To the Department of Education for Plans and Surveys: | | |
| | For salaries | 56,000.00 | |
| | For other expenses | 16,500.00 | |
| | Total | | 72,500.00 |
| X. | To the Department of Education for transfer to the State Telephone Revolving Fund | | 859,512.00 |
| XX. | State Tenure Commission: | | |
| | For expense of operation | | 5,000.00 |
| XXX. | For Training Teachers of Exceptional Teachers | | 250,000.00 |
| Y. | (a) Vocational Education: | | |
| | For salaries | 75,000.00 | |
| | For other expenses | 37,150.00 | |

| | | |
|---|---|---|
| For rental expense | 9,529.00 | |
| For equipment purchases | 1,500.00 | |
| Distributions to local boards and institutions | 28,812,220.00 | |
| Total | | 28,935,399.00 |

Of the amount listed above for the distribution to local boards of education beginning with the fiscal year 1975-76 in addition to the salary received and all salary increments due, all vocational teachers shall receive a salary increase of not less than twelve and seven hundredths per centum (12.07%) of the state vocational salary schedule for the school year 1974-75.

The appropriation hereinabove shall be disbursed or obligated in accordance with a formula adopted by the State Board of Education. The total allocation of vocational teacher units to each county and city board of education shall be at least equal to the number received by the respective board during the preceding fiscal year, and in addition thereto, a sum equal to the percentage equivalency based on months of employment, provided for in the minimum program salary increase contained in Section 3, paragraph Y (a).

In the event proration should become necessary due to the loss of Federal Vocational Funds, each local board shall be reduced by his prorata share under the adopted State Board of Education formula.

Any funds appropriated hereinabove in excess of the preceding fiscal year's distribution and in excess of the percentage salary equivalency under the Minimum Program provision shall be allocated by priorities to those boards that have less than their entitlement.

Funds appropriated hereinabove shall not be expended by the State Department of Education, local boards of education or institutions for contractual services to private profit agencies, organizations and institutions except for the purposes of the renovations, repair and rental of buildings and equipment.

(b) Vocational Education:

For Pilot Program for Agriculture Business for supplying teacher units for experimental farm projects ..... 400,000.00

(c) Vocational Education:

For Industrial Development Training; to be used for industrial purposes only ..... 1,550,000.00

(d) Walker State Technical College ..... 200,000.00

Z. State Vocational Technical School Equalization Account:

For the operations and maintenance of the Vocational Technical Schools listed below, to be distributed in accordance with a formula adopted by the State Board of Education ..... 21,936,000.00

Of the amount above beginning with the fiscal year 1975-76 in addition to the salry received and all salary schedule increments due, all professional staff employed shall receive an increase of not less than twelve

and seven-hundredths per centum (12.07%) of the state vocational-technical salary schedule for the school year 1974-75.

(The above appropriation is to be distributed to the following Vocational Technical Schools: (1) Atmore State Technical Institute; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College-Technical Branch; (7) Carver State Technical Trade School; (8) J. F. Drake State Techincal College; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Vocational School; (12) Theodore A. Lawson State Community College-Technical Branch; (13) Douglas MacArthur State Technical College; (14) Muscle Shoals Technical Institute; (15) Northwest Alabama State Technical College; (16) N. F. Nunnelley State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncey Sparks State Technical College; (23) Councill Trenholm State Technical College; (24) Tuscaloosa State Technical College; (25) Walker County State Trade School; (26) George Corley Wallace State Community College-Technical Branch (Selma); (27) George C. Wallace State Community College-Technical Branch (Dothan); (28) George C. Wallace State Technical Community College (Hanceville).)

Of the above appropriations contained herein in Section 3, paragraph Z not more than the sum of $200,000.00 may be used by the State Board of Education for administration of the Vocational Technical School Program.

| | |
|---|---|
| AA. BOARD OF TRUSTEES OF THE AGRICULTURAL AND MECHANICAL UNIVERSITY: | |
| For the operation and maintenance of the University | 6,194,000.00 |
| BB. BOARD OF TRUSTEES OF ALABAMA STATE UNIVERSITY OF MONTGOMERY: | |
| For the operation and maintenance of the University of Montgomery | 5,160,000.00 |
| Section 4. BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA: | |
| A. The University: | |
| (1) For operation and maintenance | 26,350,000.00 |
| (2) Gadsden Cooperative Upper Division Program | 160,000.00 |
| (3) For Emotionally Disturbed Children | 362,000.00 |
| (4) College of Community Health Sciences | 1,500,000.00 |
| (5) For Public Service, Research and Extension | 1,516,000.00 |
| (6) For Nursing Scholarships | 18,000.00 |
| (7) Psychology Department | 100,000.00 |
| (8) School of Nursing: | |
| For operation and maintenance | 200,000.00 |

| | |
|---|---|
| (9) Mine Resources Institute | 200,000.00 |
| (10) Museum of Natural History—Moundville State Park | 126,000.00 |
| (11) Family Practice Clinics | 375,000.00 |
| (12) Vocational Education Teacher Training | 100,000.00 |
| B. The University—Birmingham: | |
| (1) For the University College: | |
| Operation and maintenance | 9,655,000.00 |
| (2) For the School of Community and Allied Health Resources | 1,123,000.00 |
| (3) For the School of Dentistry: For operation and maintenance | 5,000,000.00 |
| (4) For Diabetes Clinics: | |
| For operation and maintenance | 250,000.00 |
| (5) For Extension, Public Service and Research | 500,000.00 |
| (6) Urology Department: Treatment, Research and Development | 400,000.00 |
| (7) Regional Technical Institute: For operation and maintenance | 1,034,000.00 |
| (8) For Joint Health Science Program: For operation and maintenance | 1,280,000.00 |
| (9) For Center for Labor Education and Research | 250,000.00 |
| (10) For Medical School: | |
| (a) For operation and maintenance | 9,132,000.00 |
| (b) For operation and maintenance of Medical Information Service via Telephone | 100,000.00 |
| (c) For Department of Pediatrics | 300,000.00 |
| (11) For Lurleen B. Wallace Cancer Program: | |
| For operation and maintenance | 250,000.00 |
| (12) For School of Nursing: For operation and maintenance | 1,644,000.00 |
| (13) For School of Nursing—Scholarships | 88,400.00 |
| (14) For Student Nurses—Loan Fund | 12,000.00 |
| (15) For School of Optometry: For operation and maintenance | 1,000,000.00 |
| (16) For the University Hospital and Clinics | 2,100,000.00 |
| (17) Spinal-Cord Injury Program | 175,000.00 |
| (18) For Family Residency Program: | |
| (a) Anniston | 200,000.00 |

| | |
|---|---|
| (b) Florence | 200,000.00 |
| (c) Jefferson County | 200,000.00 |
| (d) Tuscaloosa | 200,000.00 |
| (e) Montgomery | 200,000.00 |
| (f) Heflin | 50,000.00 |
| (19) For construction and renovation at Diabetes Research and Education Hospital in Birmingham | 1,000,000.00 |
| C. The University—Huntsville: | |
| (1) For operation and maintenance | 4,356,000.00 |
| (2) (a) For School of Medicine (School of Primary Medical Care) | 1,900,000.00 |
| (b) For Ambulatory Care Center | 350,000.00 |
| (3) For Division of Nursing—Scholarships (To be expended in accordance with Act No. 2290, 1971 Regular Session.) | 18,000.00 |
| (4) Environmental Science Center | 250,000.00 |
| (5) Motor Vehicle Research Center (1.6% State Cost-Grant) | 50,000.00 |
| (6) School of Nursing | 600,000.00 |
| Section 5. BOARD OF TRUSTEES OF AUBURN UNIVERSITY: | |
| A. The College: | |
| (1) For operation and maintenance | 26,605,000.00 |
| (2) Engineering Experiment Station | 475,000.00 |
| (3) Television Education | 300,000.00 |
| (4) Center for Vocational and Adult Teacher Education (The funds provided in subsection (4) shall be used for the support of undergraduate and graduate teacher education, research, and in-service extension activities in vocational, technical and adult education | 500,000.00 |
| (5) Psychology Department | 100,000.00 |
| (6) Wildlife Research Unit | 50,000.00 |
| (7) Public Service, Research & Extension | 400,000.00 |
| B. Agriculture Research: | |
| Alabama Agriculture Experiment Station at Auburn, for work and experimentation | 5,460,000.00 |

That all research work and experimentation comtemplated by the spirit and purpose of this sub-section (b) shall be carried out under the supervision of the Director of the Agricultural Experiment Station Sys-

tem and the President of Auburn University, who shall make a complete report to the Board of Trustees of Auburn University for the fiscal year ending September 30, 1976.

The funds provided in this sub-section (c) shall be used for the support of researchers, experiments and investigations bearing upon and relating to the production, marketing, manufacturing, use and distribution of agricultural crops and products; for the production; marketing and curing of all kinds of livestock and livestock products that may be sold from or consumed on the farms of Alabama; for the production, culture, and use of pasture plants for the establishment, care, use and management of pastures; for the testing of all kinds of hay, food, and forage crops, including those that may be used for lawns and other sod crop purposes; for the testing of varieties of crops, including soil adaption and improvement; for the testing of fertilizers and fertilizer materials on the various soils and for various crops; for the production, marketing, storage, and curing of fruit, nut and vegetable crops; for the study of plant and animal disease and insect pests; for researches and experiments dealing with forest production, management and use; for researchers dealing with soil erosion and problems arising from the waste of land due to soil erosion, for researchers to discover new uses of land; for the provisions of necessary land, buildings, fencing livestock and other physical equipment needed for the research work herein provided for; for researchers in game and fish production; provided, however, that any researchers in game and fish production shall be in cooperation with or upon the advice of the Director of Conservation, so that there may be complete coordination between the work of the Alabama Agricultural Experiment Station and that of the State Department of Conservation; as future changing agricultural conditions may demand, for researches and experiments on other similar important agricultural and economic problems having for their object the development of a more permanent, profitable and diversified agriculture; and for the printing of the necessary bulletins, circulars, etc., in order that the citizens of Alabama may be acquainted with the results of said research.

C. Extension Work for Agriculture and Home Economics:

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|---|---|
| For advising, demonstrating and informing people of Alabama in agricultural, farm and home pursuits, and other extension services | 5,930,000.00 |
| For payment of Employees Retirement in accordance with Act No. 697, 1975 Regular Session | 500,000.00 |

The appropriation herein made for the Extension Service shall be expended by the direction of the Board of Trustees of Auburn University through its Extension Service and shall be done in such manner as to make available the maximum amounts of aid from the Federal government.

D. Auburn University—Montgomery:

| | |
|---|---|
| For operation and maintenance | 4,410,000.00 |
| For Montgomery Area Community Health Sciences Institute | 110,000.00 |

Section 6. BOARD OF TRUSTEES OF JACKSONVILLE STATE UNIVERSITY:

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|---|---|
| For operation and maintenance | 7,307,000.00 |

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|---|---|
| For School of Nursing Scholarships | 18,000.00 |
| (To be expended in accordance with Act No. 2288, 1971 Regular Session) | |
| For Gadsden Program | 245,000.00 |
| Section 7. BOARD OF TRUSTEES OF LIVINGSTON UNIVERSITY: | |
| For operation and maintenance | 2,475,000.00 |
| For School of Nursing Scholarships | 18,000.00 |
| Section 8. BOARD OF TRUSTEES OF UNIVERSITY OF MONTEVALLO: | |
| For operation and maintenance | 4,218,000.00 |
| For Speech and Hearing Clinic | 150,000.00 |
| For operation and maintenance of a Highway Safety Program | 110,000.00 |
| Section 9. BOARD OF TRUSTEES OF UNIVERSITY OF NORTH ALABAMA: | |
| For operation and maintenance | 5,000,000.00 |
| For School of Nursing Scholarships (To be expended in accordance with Act No. 2304, 1971 Regular Session) | 18,000.00 |
| Section 10. BOARD OF TRUSTEES OF THE UNIVERSITY OF SOUTH ALABAMA: | |
| (a) For operation and maintenance | 7,442,000.00 |
| (b) For Coordinate College for Health Professions | 542,000.00 |
| (c) For operation and maintenance of a College of Medicine | 5,650,000.00 |
| (d) For Family Residency Program—Baldwin County | 200,000.00 |
| (e) For Nursing Scholarships (To be expended in accordance with Act No. 2302, 1971 Regular Session) | 18,000.00 |
| (f) For Teaching Hospital | 850,000.00 |
| (For unrestricted support of health professions education conducted in the University Hospital and Clinics) | |
| Section 11. BOARD OF TRUSTEES OF TROY STATE UNIVERSITY: | |
| (a) For operation and maintenance | 5,204,000.00 |
| (b) For operation and maintenance of Troy State University at Montgomery | 165,000.00 |
| (c) For operation and maintenance of Troy State University at Fort Rucker—Dothan | 165,000.00 |

| | | |
|---|---|---|
| (d) For School of Nursing—Scholarships (To be expended in accordance with Act No. 2292, 1971 Regular Session) | | 36,000.00 |
| (e) For Public Service Research and Extension | | 200,000.00 |
| Section 12. BOARD OF TRUSTEES OF ALABAMA INSTITUTE FOR DEAF AND BLIND: | | |
| (a) For operation and maintenance | | 2,960,000.00 |
| (b) For operation and maintenance of the Dept. of Adult Blind and Deaf | | 1,255,139.69 |
| (c) For operation and maintenance of the State Library for the Blind | | 60,000.00 |
| Section 13. DEBT SERVICE: | | |
| (1) For the payment of principal and interest due on bonds issued by Auburn University (Alabama Polytechnic Institute) pursuant to Constitutional Amendment No. CXX | | 308,760.00 |
| (2) For the payment of principal and interest due on bonds issued by the University of Alabama pursuant to Constitutional Amendment No. CXIX | | 308,760.00 |
| (3) For the payment of principal and interest due on bonds issued by the University of Alabama Research Institute pursuant to Constitutional Amendment No. CLVII | | 207,025.85 |
| (4) Interest on Endowments: | | |
| For interest on University of Montevallo (Alabama College) Endowment, Estimated | 44,000.00 | |
| For interest on Auburn University Endowment | 20,280.00 | |
| For interest on University of Alabama Endowment | 61,000.00 | |
| For interest on Grove Hill Endowment | 600.00 | |
| For interest on Public School Fund Endowment: | | |
| Interest on 16th Section lands, Estimated | 285,000.00 | |
| Interest on School Indemnity lands, Estimated | 67,135.81 | |
| Interest on Valueless 16th Section lands | 5,825.47 | |
| Interest on Surplus Revenue | 26,763.47 | |
| Interest on James Wallace Fund | 275.25 | |
| Total | | 510,880.00 |

Section 14. BOARD OF DENTAL SCHOLARSHIP AWARDS:

For Dental Scholarships at the University of Alabama School of Dentistry or any other dental school accredited by the Council of Dental Education of the American Dental Association ..... 83,000.00

(To be expended under the provisions of Act No. 792, 1965 Regular Session)

Section 15. EDUCATION OF DEPENDENTS OF BLIND PARENTS:

For reimbursement of every State Institution of Higher Learning, College, University, or State Trade School or Junior College, in which benefits are given to dependents of blind parents under the provisions of Act No. 281, 1966 Special Session, Estimated ..... 6,930.00

Section 16. ALABAMA EDUCATION STUDY COMMISSION:

To be used for educational studies in accordance with Act No. 15, 1969 Special Session:

For salaries, other expenses and equipment purchases 205,000.00

Section 17. ALABAMA EDUCATIONAL TELEVISION COMMISSION:

| | | |
|---|---|---|
| For salaries | 714,000.00 | |
| For other expenses | 500,000.00 | |
| For equipment purchases | 241,000.00 | |
| For automotive equipment purchases | 10,000.00 | |
| For programming | 375,000.00 | |
| Total | | 1,840,000.00 |

Section 18. DEPARTMENT OF PUBLIC HEALTH:

For transfer to the Department of Health:

| | | |
|---|---|---|
| For Immunization of Pre-School and students | 250,000.00 | |
| For Public School Food Sanitation Program | 250,000.00 | |
| Total | | 500,000.00 |

Section 19. Pike County Family Practice Clinic for operation and maintenance of a Family Practice Clinic in Pike County ..... 200,000.00

(Provided that the aforesaid Family Practice Clinic shall be operated by either the Family Residency Program of the University of Alabama at Bir-

mingham, or by the Family Residency Program of the University of South Alabama, or jointly by both Universities.

Section 20. MARINE ENVIRONMENTAL CONSORTORIUM:

For operation and maintenance ..... 325,000.00

Section 21. MEDICAL SCHOLARSHIPS BOARD:

For Medical Scholarships at the University of Alabama Medical School ..... 135,000.00
(To be expended under the provisions of Act No. 278, 1965 1st Special Session)

Section 22. MONTGOMERY INSTITUTE FOR NEUROLOGICAL DEVELOPMENT ..... 25,000.00

Section 23. ALABAMA PUBLIC LIBRARY SERVICE:

State Aid to Counties ..... 650,000.00

Section 24. SOCIAL SECURITY:

For State's share of Social Security, Estimated ..... 28,000,000.00

Section 25. SYLACAUGA NURSES TRAINING SCHOOL:

For operation and maintenance ..... 40,000.00

For School of Nursing Scholarships ..... 18,000.00
(To be expended in accordance with Act No. 2393, 1971 Regular Session)

Section 26. BOARD OF CONTROL OF THE TEACHERS' RETIREMENT SYSTEM:

For Teachers' Retirement System, Estimated ..... 90,000,000.00
The above appropriation shall be expended in accordance with the statutes and regulations now or hereafter existing relating to the expenditure of such Teachers' Retirement Fund.

For Teachers' Special Pension Fund, Estimated ..... 4,000,000.00

Section 27. VETERANS EDUCATION BENEFITS:

For reimbursement to every State Institution of Higher Learning, College, University, or State Trade School or Junior College, in which benefits are given to veterans, their wives, widows, or children under the provision of Act no. 767, 1965 Regular Session, Estimated ..... 900,000.00

Section 28. JOHN M. WILL MEMORIAL SCHOLARSHIP FOUNDATION ..... 1,000.00

Section 29. YOUTH SERVICES BOARD:

For operation and maintenance ..... 5,100,000.00

For salaries of Probation Officers ..... 950,000.00
(To be expended in accordance with Act No. 816, 1973 Regular Session)

| | | |
|---|---|---|
| Youth Services Board—For Administration | | 400,000.00 |
| Section 30. BIRMINGHAM TRAINING CENTER FOR BRAIN INJURED | | 29,100.00 |
| Section 31. ALABAMA LAW INSTITUTE FOR LIBRARY BOOKS | | 64,000.00 |
| Section 32. ALABAMA LEARNING RESOURCES CENTER | | |
| (Instructional Materials Center) | | 60,000.00 |
| Section 33. COMMISSION ON PHYSICAL FITNESS: | | |
| For salaries | 48,300.00 | |
| For other expenses | 13,200.00 | |
| For equipment purchases | 500.00 | |
| Total | | 62,000.00 |
| Section 34. PUBLIC LIBRARY SERVICE: | | |
| For salaries | 114,000.00 | |
| For other expenses | 28,000.00 | |
| For books and periodicals | 36,000.00 | |
| Total | | 178,000.00 |
| Section 35. ALABAMA LAW INSTITUTE | | 125,000.00 |
| Section 36. ALABAMA LAW ENFORCEMENT PLANNING AGENCY: | | |
| For operation and maintenance of a law enforcement academy at Troy State University | 55,000.00 | |
| For operation and maintenance of a law enforcement academy at Jacksonville State University | 55,000.00 | |
| For operation and maintenance of a law enforcement academy at John C. Calhoun Junior College | 55,000.00 | |
| For operation and maintenance of a law enforcement academy at Jefferson State Junior College | 55,000.00 | |
| Total | | 220,000.00 |
| Section 37. WALKER COUNTY BOARD OF EDUCATION | | |
| For the use of the Sumiton Elementary | | 500,000.00 |
| Section 38. HENRY COUNTY BOARD OF EDUCATION | | |
| For capital outlay purposes | | 300,000.00 |

Section 39. BIRMINGHAM CITY BOARD OF EDUCATION:

For Speech and Hearing Clinic ..... 100,000.00

Section 40. WINFIELD CITY BOARD OF EDUCATION:

For Capital Outlay ..... 300,000.00

Section 41. MORGAN COUNTY BOARD OF EDUCATION:

Falkville High School

For the construction of a gymnasium ..... 300,000.00

Section 42. BIRMINGHAM SYMPHONY ASSOCIATION, INC. ..... 100,000.00

(To be used for the support and maintenance of an expanded statewide music education program by the official Symphony of the State of Alabama for the young people in the primary and secondary schools and to be expended with the advice of a committee composed of the State Superintendent of Education and four persons appointed by him and the President of the Birmingham Symphony Association and four persons appointed by him.)

Section 43. ARAB CITY BOARD OF EDUCATION 450,000.00

Section 44. STATE BOARD OF EDUCATION:

For additional construction and equipping of the Atmore State Technical Institute ..... 228,000.00

Section 45. LOWNDES COUNTY BOARD OF EDUCATION:

For construction and equipping a burned school in Lowndes County ..... 300,000.00

Section 46. LAUDERDALE COUNTY BOARD OF EDUCATION:

For capital outlay purposes for Central School ..... 380,000.00

Section 47. BULLOCK COUNTY SCHOOL BOARD:

For burned out school buildings ..... 250,000.00

Section 48. MACON COUNTY SCHOOL BOARD:

For burned out school buildings ..... 250,000.00

Section 49. PERRY COUNTY BOARD OF EDUCATION:

For capital outlay purposes for the school located in Heiberger Community ..... 300,000.00

Section 50. THE ALABAMA POST-SECONDARY 1202 COMMISSION:

For the Alabama Student Assistance Program ..... 350,000.00

| | | | |
|---|---|---|---|
| Section 51. | ALABAMA PEACE OFFICERS AND STANDARDS TRAINING COMMISSION | | 50,000.00 |
| Section 52. | GADSDEN CITY BOARD OF EDUCATION: | | |
| For Capital Outlay | | | 300,000.00 |
| Section 53. | CHILTON COUNTY BOARD OF EDUCATION: | | |
| For Capital Outlay | | | 450,000.00 |
| Section 54. | ALABAMA FIREFIGHTERS PERSONNEL STANDARDS EDUCATION COMMISSION | | 30,000.00 |
| Section 55. | ALABAMA COUNCIL ON THE ARTS AND HUMANITIES | | 150,000.00 |
| Section 56. | COVINGTON COUNTY BOARD OF EDUCATION: | | |
| For construction and equipment purchases at Red Level Grammer School | | | 450,000.00 |
| Section 56-A. | COMMISSION ON HIGHER EDUCATION: | | |
| For salaries | | 220,000.00 | |
| For other expenses | | 55,000.00 | |
| | Total | | 275,000.00 |

To be expended in accordance with Act No. 14, 1969 Special Session)

Section 57. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds provided for in this Act, whereupon the Comptroller, shall issue his warrant therefor; provided, that all appropriations and funds made available to the University of Montevallo, the University of Alabama, the University of South Alabama, Auburn University, the Institute for the Deaf and Blind, the Youth Services Board, the Alabama Educational Television Commission, Teachers' Retirement System, University of North Alabama, Jacksonville State University, Livingston State University, Troy State University, Agricultural and Mechanical University, Alabama State University and the State Social Security Board by the provisions of this Act shall be paid by request to the Comptroller made in the manner now provided by law.

Section 58. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act, or all or any portion of any appropriation or appropriations herein made, be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision, or portion of this Act, or any other appropriation or portion thereof made not in and of itself unconstitutional or invalid.

Section 59. This Act shall become effective on October 1, 1975.

SUBSTITUTE MOTION OFFERED

Mr. Callahan offered the substitute motion that the Committee on Conference be appointed with the request that the Senate amendment not be adopted.

SUBSTITUTE MOTION TO SUBSTITUTE MOTION LOST

The substitute motion offered by Mr. Cates, that the Committee on Conference be appointed without instruction, to the substitute motion offered by Mr. Callahan, was lost.

Yeas 8; Nays 91.

*Yeas:*

Messrs.: Callahan, Cooper, Hilliard, Johnstone, Kennedy, McNair, Sonnier and Turnham.

—8

*Nays:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—91

SUBSTITUTE MOTION ADOPTED

The question was then on the substitute motion offered by Mr. Callahan that the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 9, be appointed with the request that the Senate amendment not be adopted.

Yeas 96; Nays 5.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—96

*Nays:* Messrs.: Albright, Brindley, Ford, Hall and Holley. —5

COMMITTEE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House to reconcile the disagreement of the two Houses on the Senate amendment to the bill, H. 9, Messrs. Merrill, Manley and Owens.

MOTION TO RECESS

Mr. Albright offered the motion that the House recess for one hour.

SUBSTITUTE MOTION ADOPTED

The substitute motion offered by Mr. Robertson that the House recess until 3:15 o'clock p. m., was adopted.

Yeas 65; Nays 12.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Campbell, Carothers, Coburn, Cooper, Crawford, Cross, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hilliard, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kennedy, Killian, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, Manley, Moore (O), Morris, Naramore, Owens, Pegues, Porter, Rich, Riddick, Robertson, Sandusky, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Teague, Trammell, Tucker, Waggoner, Warren, Weeks, Whatley and White.

—65

*Nays:*

Messrs.: Higginbotham, Hill, Holley, Kinsey, Lee, McCluskey, Plaster, Roberts, Shelton, Venable, Williams and Wyatt.

—12

HOUSE RECONVENED

The hour of 3:15 o'clock p. m. having arrived, the House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 17. Relating to the two largest cities in all counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the most recent or any subsequent federal decennial census; to empower recorders courts in said counties to suspend sentences or grant probation under certain conditions.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 147. Relating to all counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the most recent

federal decennial census; to provide that the county commission or other like governing body of such counties shall have the power to levy and collect additional privilege license taxes, alcoholic beverage taxes, ad valorem taxes, and sales and use taxes; providing that any such tax levied by said governing bodies shall become law either with or without a referendum in the sole discretion of said governing bodies; to provide for the disposition of the proceeds of such taxes; and to prohibit the authority to levy and collect such taxes on gross proceeds or occupations.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 31. Relating to Etowah County, Alabama; levying a privilege license tax upon the sale, use or consumption, distributing, storing or withdrawing from storage, of malt or brewed beverages within Etowah County, providing for the collection and distribution of the proceeds of said tax; providing for the administration of the Act; providing penalties for violations of the Act; repealing conflicting laws, including municipal ordinances; providing that this Act be severable; and providing for the effective date hereof.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

Also:

H. J. R. 43. COMMENDING CAROL HOOD WARREN, NAMED "WOMAN OF ACHIEVEMENT" BY WALKER COUNTY HOME EXTENSION CLUBS.

Also:

H. J. R. 44. MOURNING THE DEATH OF EDGAR FILES, RESIDENT OF CARBON HILL, ALABAMA.

McDOWELL LEE,
Secretary.

RECESS

On motion of Mr. Robertson, the Speaker declared an informal recess.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Manley:

H. J. R. 56. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE THEREOF CONCURRING, THAT when the two

Houses adjourn today, they adjourn to meet again on Monday, November 10, 1975, at twelve o'clock noon.

On motion of Mr. Manley, the rules were suspended and the resolution, H. J. R. 56, was adopted.

Also:

By Mr. Manley:

H. R. 57. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when the House adjourns today, it adjourns to meet again on Monday, November 10, 1975, at twelve o'clock noon.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 57, was adopted.

Yeas 98; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—98

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:25 A. M. On November 7, 1975

H. J. R. 13

H. J. R. 12

H. J. R. 14

H. J. R. 15

H. J. R. 16

H. J. R. 17

H. J. R. 20

H. J. R. 36

H. J. R. 37

H. J. R. 5

H. J. R. 8
H. J. R. 9
H. J. R. 11
H. J. R. 18
H. J. R. 19
H. J. R. 23
H. J. R. 31
H. J. R. 38

Delivered to the Governor at 2:10 P. M. On November 7, 1975

H. J. R. 28
H. J. R. 40
H. J. R. 41
H. J. R. 42
H. J. R. 46
H. 171
H. 31
H. 73
H. 213
H. 179
H. 172
H. 167
H. 32
H. 30
H. 21
H. 135
H. 136
H. 33
H. 20
H. 12
H. 201
H. 132
H. 226
H. 98
H. 153
H. 203

H. 205

H. 207

H. 46

H. 187

H. 186

H. 227

H. 184

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Mr. Manley and pursuant to the resolution, H. R. 57 heretofore adopted, the House adjourned until 12:00 o'clock noon, Monday, November 10, 1975.

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SIXTH DAY

House of Representatives
Montgomery, Alabama
Monday, November 10, 1975

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Eris B. Benson, Highland Home Church of Christ, Highland Home, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—104

A quorum was present.

## REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fifth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the fifth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fifth legislative day was approved.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 80. To amend Section 259, subsection (d) of Section 262, Section 263, Section 272, Section 279, Section 283, Section 289, Section 293, Section 299, Section 312, all being of Chapter 5 Title 26, Code of Alabama 1940, as amended, Sections 7, 13, and 17 of Act No. 180, adopted at the 1951 Regular Session of the Legislature of Alabama, as amended, Sections 6, 12, and 16 of Act No. 521, adopted at the 1967 Regular Session of the Legislature of Alabama, as amended, and Sections 6, 12 and 16 of Act No. 668, adopted at the 1971 Regular Session of the Legislature of Alabama, as amended, relating to extraterritorial coverage of employees subject to the workmen's compensation laws of Alabama, providing compulsory coverage for employers who do not regularly employ less than three employees, extending immunity from suit by employees to other employees of the employer, to the employer's workmen's compensation insurance carrier and to certain persons or unions making safety inspections, defining permanent total disability and extending benefits for permanent total disability for the duration of the disability, fixing the employer's and the second injury trust fund's liability in the event a second injury produces permanent total disability, permitting credit for the payment of benefits for temporary total disability against the compensation payable for permanent partial disability resulting from an unscheduled injury only, providing for vocational rehabilitation under certain circumstances, establishing the effect of the procurement of gainful employment on permanent total disability benefits, increasing the percentage of a decedent's employee's average weekly wages to which one dependent is entitled, fixing the minimum weekly benefit at 25% of the average weekly wage of the state as determined by the director of industrial relations and the maximum weekly benefit at 66-2/3% of such average weekly wage, and providing for certain periodic changes in the minimum and maximum weekly benefit and the total amount of compensation payable, eliminating any time or dollar limit for compensable medical expenses and giving an employee the right to reject the first two physicians selected by the employer, establishing the effect of the recovery of damages from a third party by an employee suffering a permanent total disability, permitting lump sum payments of compensation with commutation upon approval of the court and by agreement of the parties and amending the acts providing for compensation for occupational pneumonoconiosis, occupational exposure to radiation, and certain occupational disease to make the amendments described

above applicable to those acts, all relating to the statutory plan for the compensation of employees for job-related injuries and certain illnesses and diseases.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

I have been directed by the Speaker of the House of Representatives and the conferees on House Bill 9 to transmit to the Senate the enclosed message from the House Conferees.

JOHN W. PEMBERTON,
Clerk.

TO: The Senate Conferees appointed to work out the differences on House Bill 9:

The undersigned House Conferees hereby notify the Senate Conferees appointed by the respective House to work out the differences on House Bill 9 that the House Conferees are ready to do business and await the call of the Senate Conferees.

Richard S. Manley
Hugh Merrill
Walter Owens

On motion of Mr. Owens, the House adopted the above Message to the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 9. To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1976.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Owen, Fine and Wilson.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 151. To amend and re-enact Act No. 206, H. 1, 1975 Third Special Session, entitled "To establish length and periods of time for law enforcement officers in which they would be recognized for service to the state by increased allowances," so that certain provisions will apply to all cities having a population of not less than 60,000 nor more than 130,000, all cities having population of not less than 9,400 nor more than 9,900, and all counties having a population of not less than 115,000 nor more than 150,000 according to the most recent federal census.

Also:

H. 49. To exempt bonds, notes, warrants, other evidences of indebtedness or securities issued by any municipality, by any county, by any public corporation heretofore or hereafter organized or created in the State of Alabama pursuant to authorization, determination, finding or other action of any municipality or municipalities or county or counties or the governing body of any one or more thereof, or by any city or county board of education from all laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940, as amended.

McDOWELL LEE,
Secretary.

## INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Robertson:

H. 268. To make an emergency appropriation from the Special Education Trust Fund for the purpose of carrying on public education in this state.

Ways and Means.

## RESOLUTIONS

The following resolutions were introduced:

By Mr. McCorquodale:

H. R. 58. REQUESTING THE FINANCE DIRECTOR TO IMMEDIATELY COMPILE A REPORT FOR THE LEGISLATURE ON THE VARIOUS LEASED FACILITIES FOR STATE AGENCIES.

WHEREAS, the House of Representatives takes notice of the many thousands of square feet of office space currently being leased by the various state agencies, requiring millions of dollars of funds from public revenues; and

WHEREAS, the Governor's Cost Control Survey has cited the glaring need for the consolidation of office space; and

WHEREAS, the scattering of the divisions of the various state agencies has resulted in an inability to coordinate the operations and orderly functions of state government and gross inefficiency; and

WHEREAS, the passage of the education appropriation has been completely disrupted because of a dispute over the lease purchase of a building to be constructed for the Education Department by Mr. Walter Johnsey; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That the finance director of this state is hereby respectfully requested to forthwith proceed to compile and furnish to the House of Representatives a report on all of the various leased facilities for state agencies. The report shall include, but not be limited to: the terms of each lease, the identity of the lessees, the location, the type of facility, the amount of square feet, the duration of the lease, the total sum of rent, the cost per square foot, whether or not the lease price includes utilities, janitorial services, etc. the state agency or agencies that utilize the leased premises and the functions and duties

that are performed on the leased premises, together with any and all other information and details that would be helpful to the Legislature in determining the needs of state agencies for the lease and/or purchase of facilities used by such agencies.

All departments, agencies, bureaus, boards of the State of Alabama and its employees shall and hereby are directed to cooperate fully with the finance director and shall furnish any and all information which he may request or need in compiling this report with the Legislature.

BE IT FURTHER RESOLVED, That the House emphasize the urgent need for this report and again respectfully request the finance director to compile and furnish this information at the earliest possible date.

On motion of Mr. McCorquodale, the rules were suspended and the resolution, H. R. 58, was adopted.

Also:

By Mr. Crawford:

H. J. R. 59. NAMING SENATE BILL 102 "THE TURNHAM-WALDROP BILL."

WHEREAS, Senator Gerald Waldrop and Representative Pete Turnham have worked long and hard on the drafting of Senate Bill 102; and

WHEREAS, Senate Bill 102 will provide a long needed service: The establishment of an Alabama Board of Examiners for Speech Pathology and Audiology to license and regulate speech pathologists and audiologists; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Senate Bill 102 be designated and known as "The Turnham-Waldrop Bill."

On motion of Mr. Crawford, the rules were suspended and the resolution, H. J. R. 59, was adopted.

BILLS TEMPORARILY CARRIED OVER

On motion of Mr. Gafford, all bills on the Calendar were temporarily carried over in order to reach the bill, H. 246.

And the bill:

H. 246. To include members of the State Board of Pardons and Paroles or former members of said Board and Director of Physical Fitness Department under the State Employees' Retirement System; to provide that each member shall be eligible for coverage under the system from the date on which he assumed his office; also provides for necessary employee contributions and state appropriations.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 4.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Carothers, Carter, Coburn, Cooper, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Gregg, Hall, Hilliard, Hines, Hopping, Howard, Johnstone, Jolly, Kinsey, LeFlore, Leonard, Lutz, McCluskey, McMillan, McNees, Malone,

Manley, Martin, Merrill, Moore (O), Morris, Owens, Plaster, Quarles, Reed, Rich, Roberts, Sasser, Smith (J), Starkey, Taylor, Trammell, Tucker, Venable, Warren, Weeks and Williams.

—52

*Nays:* Messrs.: Crawford, Holley, Shelton and Wyatt. —4

BILLS TEMPORARILY CARRIED OVER

On motion of Mr. Greer, all bills on the Calendar were temporarily carried over in order to reach the bill, H. 70.

Yeas 44; Nays 24.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Brindley, Campbell, Carothers, Carter, Coburn, Dial, Gafford, Goodwin, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Holley, Howard, Jackson (F), Jackson (R), LeFlore, Leonard, Lockett, McNair, McNees, Manley, Merrill, Moore (W), Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Shelton, Sparks, Starkey, Taylor, Trammell, Weeks, White and Williams.

—44

*Nays:*

Messrs.: Albright, Barron, Boles, Cates, Cooper, Crawford, Folmar, Hines, Hopping, Johnstone, Kinsey, Lewis, Lutz, McCluskey, McCulley, McMillan, Malone, Morris, Naramore, Robertson, Smith (J), Venable, Warren and Wyatt.

—24

And the bill:

H. 70. To amend Sections 10, 14 and 16 of Act No. 576, Acts of Alabama, 1959 Regular Session, as amended, pertaining to the cost of obtaining registration certificates, duplicate certificates and transfer certificates for vessels operated on the waters of this state, and to provide for the disposition of the proceeds from the increases in those costs as prescribed herein.

Was taken up.

Mr. Greer offered the following amendment to the bill:

Amend Section 6, appearing on line 17, page 4 of H. B. 70 to read as follows:

"Section 6. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law."

And the amendment was adopted.

Yeas 61; Nays 8.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Coburn, Cooper, Dial, Falkenburg, Gafford, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Holley, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, LeFlore, Leonard, Lewis, Lutz, McCluskey, McMillan, McNair, Manley, Martin, Merrill, Moore (O), Moore (W), Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Shelton, Smith (J), Sparks, Starkey, Taylor, Trammell, Tucker, Weeks, White, Williams and Wyatt.

—61

*Nays:*

Messrs.: Barron, Crawford, Folmar, Lockett, Malone, Morris, Naramore and Warren.

—8

MOTION TO POSTPONE

Mr. Morris offered the motion to postpone the bill, H. 70 as amended, to the seventh legislative day.

MOTION TO TABLE

Mr. Greer offered the motion to table the motion to postpone offered by Mr. Morris.

H. 70 RE-REFERRED

Mr. McCluskey offered the substitute motion that the bill, H. 70 as amended, be re-referred from the Standing Committee on Conservation, and the substitute motion was adopted.

On substitute motion of Mr. McCluskey, the Speaker re-referred the bill, H. 70 as amended, to the Standing Committee on Ways and Means.

MOTION IN WRITING

Mr. McCorquodale filed the following Motion in Writing:

Having voted on the prevailing side by which the House voted to non concur in the Senate amendments to House Bill 9, I now move to reconsider the vote by which said motion was carried.

RECESS

On motion of Mr. Manley, the House recessed until 2:00 o'clock p. m.

Yeas 61; Nays 21.

*Yeas:*

Mr. Speaker, Armstrong, Biddle, Boles, Brindley, Callahan, Carter, Coburn, Cross, Drake, Edwards, Folmar, Ford, Goodwin, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Holmes, Hopping, Jackson (R), Johnson, Johnstone, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Pegues, Plaster, Reed, Riddick, Roberts, Robertson, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Waggoner, Warren, Weeks, Whatley and White.

—61

*Nays:*

Messrs.: Andrews, Baker, Barron, Carothers, Cooper, Crawford, Dial, Hines, Holley, Howard, Jackson (F), Killian, Moore (W), Sasser, Shelton, Smith (C), Tucker, Turnham, Venable, Williams and Wyatt.

—21

HOUSE RECONVENED

The hour of 2:00 o'clock p. m. having arrived, the House reconvened. The Speaker called the House to order.

## BILLS ON THIRD READING

And the bill:

H. 266. To provide authority for the government and control by civil service regulations of the employees of any city having a population of not less than 9,500 nor more than 10,000 inhabitants according to the most recent federal decennial census; to provide for a civil service board in said cities and to fix its duties, authorities, powers and compensation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Barron, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Edwards, Folmar, Ford, Greer, Hall, Harris, Higginbotham, Hill, Holmes, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lockett, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Robertson, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Venable, Warren, Weeks, Whatley, Williams and Wyatt.

—62

## REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 10. CREATING A SELECT JOINT INTERIM COMMITTEE TO STUDY THE FEASIBILITY OF INITIATING A PILOT PRISONER RELEASE PROGRAM.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

## SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

## REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 48. COMMENDING AND THANKING REVEREND GUS NICHOLS FOR HIS MANY CONTRIBUTIONS TO JASPER AND WALKER COUNTY.

Also:

H. J. R. 51. COMMENDING TAYLOR HARDIN AND STAFF FOR PROGRESS IN THE MENTAL HEALTH FIELD.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 43. COMMENDING CAROL HOOD WARREN, NAMED "WOMAN OF ACHIEVEMENT" BY WALKER COUNTY HOME EXTENSION CLUBS.

Also:

H. J. R. 44. MOURNING THE DEATH OF EDGAR FILES, RESIDENT OF CARBON HILL, ALABAMA.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 49. To exempt bonds, notes, warrants, other evidences of indebtedness or securities issued by any municipality, by any county, by any public corporation heretofore or hereafter organized or created in the State of Alabama pursuant to authorization, determination, finding or other action of any municipality or municipalities or county or counties or the governing body of any one or more thereof, or by any city or county board of education from all laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940, as amended.

Also:

H. 151. To amend and re-enact Act No. 206, H. 1, 1975 Third Special Session, entitled "To establish length and periods of time for law enforcement officers in which they would be recognized for service to the state by increased allowances," so that certain provisions will apply to all cities having a population of not less than 60,000 nor more than 130,000, all cities having population of not less than 9,400 nor more than 9,900, and all counties having a population of not less than 115,000 nor more than 150,000 according to the most recent federal census.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

## SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

## MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Pegues, the rules were suspended in order to bring up out of order the bill, H. 41.

And the bill:

H. 41. To amend Sections 494, 495, 499, and 502 of Title 55 of the Code of Alabama, 1940, as amended, which sections provide for competitive bidding on public contracts.

Was taken up.

Mr. Pegues offered the following substitute to the bill:

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 343, H. 71, 1957 Regular Session to provide further for competitive bidding on public contracts.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 343, H. 71, 1957 Regular Session [Acts 1957, p. 452; now appearing in Code of Alabama, Recompiled 1958, Title 55, Section 494] as amended, is amended further to read as follows:

"Section 1. All contracts of whatever nature for labor, services, or work, or for the purchase or lease of materials, equipment, supplies, or other personal property, involving two thousand dollars ($2,000.00) or more, made by or on behalf of any state department, board, bureau, commission, committee, institution, corporation, authority, or office shall, except as hereinafter otherwise provided, be let by free and open competitive bidding, on sealed bids, to the lowest responsible bidder."

Section 2. Section 2 of Act No. 343, H. 71, 1957 Regular Session [Acts 1957, p. 452; now appearing in Code of Alabama Recompiled 1958, Title 55, Section 495] as amended, is amended further to read as follows:

"Section 2. (a) Competitive bids shall not be required for utility services where no competition exists or where rates are fixed by law or ordinance; to the purchase of insurance by the state; to contracts for the securing of services of attorneys, physicians, architects, teachers, superintendents of construction, artists, appraisers, engineers, or other individuals possessing a high degree of professional skill where the personality of the individual plays a decisive part; contracts of employment in the regular civil service of the state; to tourist advertising by the state bureau of publicity and information authorized under Section 492 of this title; to purchases of alcoholic beverages only by the alcoholic beverage control board; to purchases by the state highway department of local materials from any property owners in the vicinity of project on which such local materials shall be used; or to purchase and contracts for repair of equipment used in the construction and maintenance of highways by the state highway department; to purchases of products made or manufactured by the blind or visually handicapped under the direction or supervision of the Alabama Institute for Deaf and Blind in accordance with Act No. 542, approved September 9, 1955 [Title 52, Sections 534(4a) to 534(4d)]; to purchases of maps or photographs purchased from any federal agency; to purchases of manuscripts, maps, books, pamphlets, or periodicals purchased for the use of any state library or any other library in the state supported in whole or in part by state funds; to contractual services and purchases of commodities for which there is only one vendor or supplier; to contractual services and purchases of personal property, which by their very nature are impossible of award by competitive bidding; to barter transactions by the board of corrections; to purchases, contracts, or repairs by the state docks when it is deemed by the director of the state docks and its secretary-treasurer that such purchases, contracts, or repairs are impractical of award by competitive bidding due to the exigencies of time or interference with the flow of commerce; provided, however, that the director of the state docks and its secretary-treasurer shall place a sworn statement in writing in the permanent file or records setting out the emergency relied upon the necessity for negotiation instead of proceeding by competitive bidding in said instance, and such sworn statement shall be open to publice inspection. A copy of such sworn statement shall be furnished forthwith to the chief examiner of public accounts. (b) All educational and eleemosynary institutions governed by a board of trustees or other similar governing body and the state docks department shall be exempt from the provisions of this act which relate to the powers, duties, authority, restrictions and limitations conferred or imposed upon the department of finance, division of purchases and stores; provided, however, that the said educational and eleemosynary institutions, the state docks department and the other state agencies herein exempt from the provisions of this act or any part hereof shall let by free and open competitive bidding on sealed bids to the lowest responsible bidder all contracts of whatever nature for labor, services or work or for the purchase or lease of materials, equipment, supplies or other personal property involving two thousand dollars ($2,000.00) or more. The said institutions, departments and agencies shall establish and maintain such purchasing facilities as may be necessary to carry out the intent and purpose of this act by complying with the requirements for competitive bidding in the operation and management of each such institution, department or agency. Contracts entered into in violation of this act shall be void."

Section 3. Act No. 343, H. 71, 1957 Regular Session [Acts 1957, p. 452] as amended, is amended further by inserting after Section 2 thereof, the following new section:

"Section 2(1). The governing authority of two or more agencies within the same county or adjoining counties, whose contracts are re-

quired under this act to be let by competitive bidding, may provide by joint agreement for the purchase of labor, services, or work, or for the purchase or lease of materials, equipment, supplies, or other personal property, for use by their respective agencies. Such agreement shall be entered into by similar executive orders or resolutions issued or adopted by each of the participating governing authorities which shall set forth the categories of labor, services, or work, or for the purchase or lease of materials, equipment, supplies, or other personal property to be purchased, the manner of advertising for bids and of awarding of contracts, the method of payment by each participating contracting agency, and other matters deemed necessary to carry out the purposes of the agreement. Each contracting agency's share of expenditures for purchases under any such agreement shall be appropriated and paid in the manner set forth in the agreement and in the same manner as for other expenses of the contracting agency. The contracting agencies entering into a joint agreement, as herein permitted, may designate a joint purchasing agent and such agent shall have the responsibility to comply with the provisions of this act. It is provided further that purchases, contracts, or agreements made pursuant to a joint purchasing agreement shall be subject to all of the terms and conditions of this act."

Section 4. Section 6 of Act No. 343, H. 71, 1957 Regular Session [Acts 1957, p. 453; now apearing in Code of Alabama Recompiled 1958, Title 55, Section 499] as amended, is amended further to read as follows:

"Section 6. The purchasing agent shall advertise for sealed bids on all purchases in excess of two thousand five hundred dollars ($2,500.00) by posting notice thereof on a bulletin board maintained outside his office door or by publication of notice thereof one time in a newspaper published in Montgomery County, Alabama, or in any other manner and for such lengths of time as he may determine, provided, however, that the purchasing agent shall also solicit sealed bids by sending notice by mail to all persons, firms or corporations who have filed a request in writing that they be listed for solicitation on bids for such particular items as are set forth in such request. If any person, firm, or corporation whose name is listed fails to respond to any solicitation for bids, after the receipt of three such solicitation [solicitations], such listing may be cancelled by the purchasing agent, at his discretion. All bids shall be sealed when received, shall be opened in public at the hour stated in the notice, and all original bids together with all documents pertaining to the award of the contract shall be retained and made a part of a permanent file or records, and shall be open to public inspection. If the purchase or contract will involve an amount of two thousand dollars ($2,000.00) or less, the purchasing agent may make such purchases or contracts either upon the basis of sealed bids or in the open market, in his discretion. No purchase or contract involving an amount in excess of two thousand dollars ($2,000.00 shall be divided into parts involving amounts of two thousand dollars ($2,000.00) or less for the purpose of avoiding the requirements of this chapter. All such partial contracts involving two thousand dollars ($2,000.00) or less shall be void."

Section 5. Section 9 of Act No. 343, H. 71, 1957 Regular Session [Acts 1957, p. 452; now appearing in Code of Alabama Recompiled 1958, Title 55, Section 502] as amended, is amended further to read as follows:

"Section 9. When purchases are required to be made through competitive bidding, award shall be made to the lowest responsible bidder taking into consideration the qualities of the commodities proposed to be supplied, their conformity with specifications, the purposes for which required, the terms of delivery, transportation charges, and the dates of delivery. The purchasing agent in the purchase of or contract for per-

sonal property or contractual services shall give preference, provided there is no sacrifice or loss in price or quality, to commodities produced in Alabama or sold by Alabama persons, firms, or corporations. It is provided, however, that the awarding authority may at any time within five days after the bids are opened, negotiate and award the contract to any one provided he secures a price at least five percent (5%) under the low acceptable bid. The award of such a negotiated contract shall be subject to approval by the director of finance and the governor. The awarding authority or requisitioning agency shall have the right to reject any bid if the price is deemed excessive or quality of product inferior. Each bid, with the name of the bidder, shall be entered on a record. Each record, with the successful bid indicated thereon, and with the reasons for the award if not awarded to the lowest bidder, shall, after award of the order or contract, be open to public inspection. Contracts for the purchase of personal property or contractual services shall be let for periods not greater than three years."

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 70; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Crowe, Dial, Edwards, Folmar, Ford, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Howard, Jackson (F), Johnstone, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lockett, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Warren, Weeks, Whatley, Williams and Wyatt.

—70

And the bill:

H. 41. To amend Act No. 343, H. 71, 1957 Regular Session to provide further for competitive bidding on public contracts.

As thus amended was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Dial, Edwards, Folmar, Ford, Goodwin, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lockett, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—82

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Holley, the rules were suspended in order to bring up out of order the bill, H. 15.

And the bill:

H. 15. To amend Act No. 648 adopted at the 1949 Regular Session of the Legislature of Alabama, as heretofore amended so as to expand the definition of a "project" to include an office building which is the home or chief executive office or the divisional, state, regional, national, or international headquarters or chief executive office of any business enterprise.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Dial, Edwards, Folmar, Ford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—78

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. McCluskey, the rules were suspended in order to bring up out of order the bill, H. 204.

And the bill:

H. 204. To amend Section 105, Title 37, Code of Alabama 1940, as amended, so as to remove the limitations on salaries of commissioners in cities organized under the optional form of commission government, and to provide procedures for setting salaries of commissioners.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 10.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Falkenburg, Folmar, Glass, Gregg, Hall, Higginbotham, Hines, Holmes, Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Leonard, Lewis, Lockett, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Taylor, Venable, Waggoner, Warren, Weeks and Williams.

—59

*Nays:*

Messrs.: Albright, Andrews, Ford, Greer, Hilliard, Holley, Kinsey, McNair, Sonnier and Wyatt.

—10

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. McCluskey, the rules were suspended in order to bring up out of order the bill, H. 206.

And the bill:

H. 206. To amend Section 73, Title 37, Code of Alabama 1940, as amended, so as to remove the limitations on the salaries of commissioners in municipalities organized under the commission form of government, and to provide procedures for setting salaries of commissioners.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 8.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Edwards, Folmar, Glass, Greer, Gregg, Hall, Hill, Hines, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Leonard, Lewis, Lockett, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Venable, Warren, Weeks, Whatley and Williams.

—60

*Nays:*

Messrs.: Andrews, Ford, Hilliard, Holley, Holmes, Kinsey, Sonnier and Wyatt.

—8

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. McCulley, the rules were suspended in order to bring up out of order the bill, H. 159.

And the bill:

H. 159. (With Substitute): To provide that school principals shall supervise the operation and management of schools under policies determined by local boards of education and to assign school principals supervisory responsibilities and the coordination of instructional leadership under the direction of the local school superintendent.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Education, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide that school principals shall supervise the operation and management of schools under policies determined by local boards of

education and to assign school principals supervisory responsibilities and the coordination of instructional leadership under the direction of the local superintendent.

Be It Enacted by the Legislature of Alabama:

Section 1. Boards of education may employ a head teacher or teachers who shall be known as principals, and who shall:

(a) Supervise the operation and management of the school or schools and property as the board determines.

(b) Be assigned supervisory and instructional responsibilities, under the direction of the superintendent, for the planning, management, operation and evaluation of the educational program and services.

(c) Nothing in this Act shall be construed to relieve the local Board of Education of any of its legal responsibilities for the operation of the school system. If a principal is named in a suit as the result of his carrying out his responsibilities defined by the Board under this Act, the Board shall furnish the principal legal counsel and support.

(d) The provisions of this Act shall not be used as grounds for dismissal of principals employed by local Boards of Education at the time of its passage unless such board shall have provided retraining opportunities at the Board's expense for said principal.

Section 2. All laws or parts of laws in conflict herewith are expressly repealed.

Section 3. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming law.

And the substitute was adopted.

Yeas 64; Nays 0.

*Yeas:*

Mr. Speaker, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Edwards, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, McCulley, McMillan, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Roberts, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, Whatley and Wyatt.

—64

And the bill, H. 159 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 1.

*Yeas:*

Mr. Speaker, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Edwards, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Hill, Hines, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Lewis, Lockett, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles,

Roberts, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Warren, Weeks, Whatley and Wyatt.

—65

*Nay:* Mr. Holley. —1

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Crowe, the rules were suspended in order to bring up out of order the bill, H. 104.

And the bill:

H. 104. To amend Sections 1, 2, 3, 4, 5, 6, 13, 13½, 14, 15, 16, 18, 19, 20, 24, 25, 28, 29, 33, 35, 39, 41, 42, 44, 49, 50, 52, 55, 57, 62, 69, 72, 73, 74, 75, 76, 78, 79, 80, 81, 82, 83, 84, 85, 87, 89, 90, 92, 93, and 106 of Act No. 207, S. 134, Regular Session 1949, (Acts 1949, p 242), as amended, the Act known as the "Alabama Coal Mine Safety Law of 1949", so as to further provide for the health and safety of persons engaged in the mining of coal; for the qualifications and duties of mine inspectors; for the regulation and inspection of underground coal mines in accordance with modern mining practices; for equipment and ventilation standards in order to promote health and safety; for the safe design, maintenance and use of mechanical and electrical equipment; for required first aid and safety equipment; for the establishment of operating procedures to promote mining health and safety.

Was taken up.

Mr. Crowe offered the following amendment to the bill:

Amend House Bill 104 on page 7, Section 16 (h), line 20, by deleting the figures 105 and substituting therefor the figures 75.

And the amendment was adopted.

Yeas 68; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Coburn, Cooper, Crawford, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, LeFlore, Leonard, Lewis, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Quarles, Reed, Riddick, Roberts, Sasser, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Trammell, Waggoner, Weeks, Whatley, Williams and Wyatt.

—68

And the bill, H. 104 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Coburn, Cooper, Crawford, Crowe, Drake, Edwards, Folmar, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Hopping, Howard, Jackson (F),

Jackson (R), Johnstone, Jolly, Kelley, Kinsey, LeFlore, Leonard, Lewis, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sasser, Smith (C), Smith (M), Sonnier, Sparks, Taylor, Teague, Trammell, Venable, Waggoner, Weeks, Whatley, Williams and Wyatt.

—70

## MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 5. Endorsing Russell County as the site for a National Veterans Cemetery.

Also:

S. J. R. 13. Creating a Joint Interim Committee to study the management and efficiency of the Department of Education.

Also:

S. J. R. 15. Commending General James Taylor Hardin for his outstanding career in the military.

Also:

S. J. R. 17. Commending William George Snider for his talented gospel singing.

Also:

S. J. R. 18. Congratulating Senator Fred Jones on his promotion to brigadier general in the Alabama Army National Guard.

Also:

S. J. R. 19. Authorizing and paying for attendance of two legislative members at annual meeting of Southern Growth Policies Board.

Also:

S. J. R. 20. Creating a joint interim committee to study recovery, reuse and recycling of materials.

Also:

S. J. R. 16. Mourning the death of William Virgil Runyan.

Also:

S. J. R. 11. Establishing Alabama Council on Historic Pilgrimages.

Also:

S. J. R. 10. Directing the Department of Public Safety to provide security to the Legislature of the State of Alabama.

McDOWELL LEE,
Secretary.

## SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at

length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 6. Relating to all counties having a population of not less than 10,900 nor more than 11,500 inhabitants according to the most recent federal decennial census; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Also:

S. 9. Relating to the election of members of the county board of education in counties having a population of not less than 18,500 nor more than 20,500 inhabitants according to the most recent federal decennial census, and repealing conflicting laws.

Also:

S. 12. To amend Section 1 of Act No. 626, H. 815, approved September 8, 1967 (Acts of Alabama, Organizational Special Regular Session 1967, Volume 2, Page 1430), an act entitled "To provide clerical assistance to the Circuit Clerk, Probate Judge, Tax Assessor, Tax Collector, Register in Chancery, County Judge and Sheriff of Cherokee County, Alabama, to provide for the selection, employment and discharging of such assistants, to fix their compensation and provide for the payment therefor out of the county funds", so as to include in paragraph 1 of said Section 1 the Office of the Deputy Solicitor; to repeal Act No. 197, H. 214, Special Session 1967 (Acts 1967, P. 243), as amended.

Also:

S. 14. Relating to any county having a population of not less than 35,000 nor more than 38,000 according to the most recent federal decennial census; authorizing the county governing body to provide for the relief of Mrs. Bertha Mae Barber for injuries sustained in an automobile accident due to a defective county road.

Also:

S. 15. To provide for supplementing the salaries or compensation paid to retired or supernumerary Circuit Judges in the 37th Judicial Circuit.

Also:

S. 16. Relating to any judicial circuit composed of a county having a population betwen 60,000 and 65,000 inhabitants according to the most recent or any subsequent federal decennial census; to provide for the fixing of fees of official court reporters of such judicial circuit to be taxed as court costs.

Also:

S. 19. Relating to all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census to authorize the governing body and election officials of those counties which use voting machines which produce

printouts that contain all required data regarding registering or recording and computing the vote at all elections to use such printout sheets and to make any required certificates or statements thereon; providing that such shall satisfy the provisions of Alabama Code 1940, Title 17, Chapter 1, Article 7.

Also:

S. 21. This bill repeals Act No. 1167, S. 1179 of the Regular Session of the Legislature of 1975, approved October 10, 1975 (m. s.), entitled: "An Act To provide for Supernumerary-Retired Probate Judges in all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census; to prescribe the qualifications, term, duties, powers, authority, compensation and benefits of such supernumeraries; to provide for a Probate Judges Retirement Fund in such counties; to regulate the administration and supervision of said fund and to repeal all conflicting statutes."

Also:

S. 24. Providing further for the solemnization of marriages in counties having populations of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; providing for the appointment of a person authorized to solemnize marriages in each such county in addition to those persons now authorized by law to solemnize marriages; prescribing the qualifications, term of office, powers and duties of persons hereby authorized to solemnize marriages; and providing that any charge for a marriage ceremony shall not exceed the amount allowed the probate judge for such ceremony.

Also:

S. 26. To make the provisions of Chapter 5, Title 26, of the 1940 Code of Alabama, as now or hereafter amended, inapplicable to all cities having a population of 250,000 or more, to any park board of such cities, to the boards and agencies authorized by such cities, and to the employees of any such city, board or agency.

Also:

S. 32. To create a board of trustees of the policemen and firemen's retirement fund of the City of Gadsden, Alabama to provide for the composition of said board; to provide for a secretary-treasurer of said board and custodial care of such funds; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amounts payable to widows or dependents; and to provide appeals from any decision of said board.

Also:

S. 43. To amend Act No. 1159, S. 278 of the 1975 Regular Session, which provides for an additional circuit judgeship in the 38th Judicial Circuit, so as to make the provisions thereof relative to the time of appointment and the term of service of the first additional judge and his successors comply with Section 153 of the Constitution of 1901, as amended, and to correct a clerical error in the Act.

Also:

S. 45. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent

federal decennial census, providing that the State Department of Revenue shall collect all gasoline taxes levied in such counties, and authorizing said Department to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections.

Also:

S. 46. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census, providing that the State Department of Revenue shall collect all severance taxes on coal levied by any such county; authorizing said Department of Revenue to promulgate rules and regulations pursuant to the collection of such taxes, and providing for the recovery of the costs of collection of such taxes out of the proceeds of such tax collections.

Also:

S. 62. To provide that One Thousand ($1,000.00) Dollars shall be transferred each month from the District Attorney's Fund of Madison County into the General Fund for Madison County to help defray the cost of providing parking for petit and grand jurors in said County.

Also:

S. 76. Relating to all counties having populations of not less than 57,000 nor more than 61,000; providing further for the compensation and expenses of the circuit clerk and register in such counties.

Also:

S. 79. Relating to Marion County, Alabama, providing for a secretary for the courts of such county, prescribing the means of appointment and removal, the duties and compensation therefor.

Also:

S. 136. Relating to all counties having a population of 90,000 to 100,000 inhabitants according to the most recent federal decennial census; to provide provisions whereby any local act applying to barber commissions in all such counties can become inoperative; to provide provisions whereby if such act becomes inoperative, the act can be made operative again; to provide the powers of the commission should the local act become inoperative; and to provide for maintaining a contingency fund.

McDOWELL LEE,
Secretary.

## SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 17. Relating to the two largest cities in all counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the most recent or any subsequent federal decennial census; to empower recorders courts in said counties to suspend sentences or grant probation under certain conditions.

Also:

S. 25. To provide for the appointment of assistant district attorneys in the Twenty-third Judicial Circuit and for a graduated schedule of compensation for assistant district attorneys in the Twenty-third Judicial Circuit.

Also:

S. 31. Relating to Etowah County, Alabama; levying a privilege license tax upon the sale, use or consumption, distributing, storing or withdrawing from storage, of malt or brewed beverages within Etowah County, providing for the collection and distribution of the proceeds of said tax; providing for the administration of the Act; providing penalties for violations of the Act; repealing conflicting laws, including municipal ordinances; providing that this Act be severable; and providing for the effective date hereof.

Also:

S. 34. To amend Section 1 of Act No. 1237, S. 254, 1975 Regular Session (m. s.), so as to allow service-connected disabled veterans to be exempted from privilege or license tax and registration fee levied on automobiles and motor vehicles; to provide for a refund to persons who purchase their tags before the effective date of this act.

Also:

S. 39. To make an additional appropriation from the State treasury to the use of the Legislative Reference Service for the payment of costs of printing and publishing the index of local laws, for cost of equipment, supplies and for other expenses.

Also:

S. 50. Amend Act No. 1180 of the 1975 Regular Session of the Alabama Legislature by changing the overtime provisions of said Act; defines state law enforcement officer and repeals all conflicting laws; and provides funding.

Also:

S. 51. To appropriate $50,000.00 from the general fund in the state treasury to the general fund of Escambia County as reimbursement for costs incurred in the trial of state inmates in that county.

Also:

S. 84. To amend Code of Alabama 1940, Title 15, Section 325 relative to place of confinement for persons sentenced to three years or less imprisonment.

Also:

S. 96. To amend Section 4 of Act No. 90, H. 216, 1963 Regular Session [Acts of 1963, p. 474; now appearing in Code of Alabama, Recompiled 1958, Title 37, Section 826(1)], so as to provide that revenue bonds or notes issued under the said act may be refunded, extended or

renewed by other temporary bonds or notes maturing not more than eighteen months from the date of maturity of the temporary bonds or notes then outstanding.

Also:

S. 102. To provide for the licensing of speech pathologists and audiologists; to establish an Alabama Board of Examiners for Speech Pathology and Audiology; to define the powers and duties of such board; to prescribe licensing standards, procedures, and fees; to provide a penalty for violation of this act; and to repeal conflicting laws.

Also:

S. 106. To make an appropriation from the general fund in the state treasury to be used by the Alabama Code revision committee named in the State of Alabama's contract with Michie and Bobbs-Merrill Company for the purposes of the contract; namely, revising, digesting and codifying the statutes of the state of a general and permanent nature, and otherwise implementing the adoption and publication of a new code.

Also:

S. 113. To authorize the State Board of Pardons and Paroles to charge parolee residents of community residential facilities a monthly amount for room and board; to provide that such charge may be waived upon written recommendation by the director of the facility; to provide for earmarking the proceeds from such charges; to authorize said board to promulgate and effect such rules and regulations necessary for the implementation of this act and to repeal conflicting statutes.

Also:

S. 138. To amend Act No. 1148, H. 600, Regular Session 1975, relating to the practice of optometry, by removing certain repetitious clauses, renumbering certain sub-paragraphs, and by correcting certain erroneous citations and conflicting paragraphs.

Also:

S. 147. Relating to all counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the most recent federal decennial census; to provide that the county commission or other like governing body of such counties shall have the power to levy and collect additional privilege license taxes, excise taxes, alcoholic beverage taxes, ad valorem taxes, and sales and use taxes; providing that any such tax levied by said governing bodies shall become law either with or without a referendum in the sole discretion of said governing bodies; to provide for the disposition of the proceeds of such taxes; and to prohibit the authority to levy and collect such taxes on gross proceeds or occupations.

Also:

S. 80. To amend Section 259, subsection (d) of Section 262, Section 263, Section 272, Section 279, Section 283, Section 289, Section 293, Section 299, Section 312, all being of Chapter 5 Title 26, Code of Alabama 1940, as amended, Sections 7, 13, and 17 of Act No. 180, adopted at the 1951 Regular Session of the Legislature of Alabama, as amended, Sections 6, 12, and 16 of Act No. 521, adopted at the 1967 Regular Session of the Legislature of Alabama, as amended, and Sections 6, 12 and 16 of Act No. 668, adopted at the 1971 Regular Session of the Legislature of Alabama, as amended, relating to extraterritorial coverage of employees subject to the workmen's compensation laws of Alabama, providing com-

pulsory coverage for employers who do not regularly employ less than three employees, extending immunity from suit by employees to other employees of the employer, to the employer's workmen's compensation insurance carrier and to certain persons or unions making safety inspections, defining permanent total disability and extending benefits for permanent total disability for the duration of the disability, fixing the employer's and the second injury trust fund's liability in the event a second injury produces permanent total disability, permitting credit for the payment of benefits for temporary total disability against the compensation payable for permanent partial disability resulting from an unscheduled injury only, providing for vocational rehabilitation under certain circumstances, establishing the effect of the procurement of gainful employment on permanent total disability benefits, increasing the percentage of a decedent's employee's average weekly wages to which one dependent is entitled, fixing the minimum weekly benefit at 25% of the average weekly wage of the state as determined by the director of industrial relations and the maximum weekly benefit at 66-2/3% of such average weekly wage, and providing for certain periodic changes in the minimum and maximum weekly benefit and the total amount of compensation payable, eliminating any time or dollar limit for compensable medical expenses and giving an employee the right to reject the first two physicians selected by the employer, establishing the effect of the recovery of damages from a third party by an employee suffering a permanent total disability, permitting lump sum payments of compensation with commutation upon approval of the court and by agreement of the parties and amending the acts providing for compensation for occupational pneumonoconiosis, occupational exposure to radiation, and certain occupational disease to make the amendments described above applicable to those acts, all relating to the statutory plan for the compensation of employees for job-related injuries and certain illnesses and diseases.

Also:

S. 42. To make an appropriation to the Department of Agriculture and Industries for control and eradication of a destructive insect pest known as the fire ant.

Also:

S. 55. To authorize the County Commission or like governing body of each of the several counties to appoint an Engineer Trainee; to provide for the qualifications and duties of such Engineer Trainee; and to provide for State participation in the salary of such Engineer Trainee appointed.

Also:

S. 100. To amend Act No. 763, Regular Session, 1973, which relates to subsistence allowances for law enforcement officers while on duty and to authorize expenditure of funds for that purpose.

McDOWELL LEE,
Secretary.

## SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

## MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Johnstone, the rules were suspended in order to bring up out of order the bill, H. 155.

And the bill:

H. 155. To amend Section 2-316 of Act No. 549, S. 2, Regular Session 1965 (Acts 1965, p. 811) (now appearing in Title 7 A, in the supplement to Code of Alabama, recompiled 1958), which is the Alabama Uniform Commercial Code, and which Section 2-316 concerns the exclusion or modification of the implied warranties of merchantability or fitness for a particular purpose to circumscribe the limitation or exclusion of the implied warranty of merchantability or fitness for a particular purpose in the sale or lease of new consumer goods.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 1.

*Yeas:*

Messrs.: Albright, Andrews, Armstrong, Baker, Biddle, Boles, Campbell, Carothers, Coburn, Cooper, Crawford, Drake, Edwards, Folmar, Ford, Glass, Goodwin, Hall, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Naramore, Owens, Pegues, Quarles, Reed, Roberts, Sasser, Smith (J), Smith (M), Sonnier, Starkey, Taylor, Teague, Tucker, Venable, Weeks, Whatley, Williams and Wyatt.

—63

*Nay:* Mr. Moore (O). —1

## BILLS TEMPORARILY CARRIED OVER

On motion of Mr. Leonard, all bills on the Calendar were temporarily carried over in order to reach the bill, H. 62.

And the bill:

H. 62. To amend Section 440, Title 37, Code of Alabama 1940, as amended, so as to provide for the establishment of the salary of the mayor in municipalities organized and operating under the mayor-council form of government; to require the council to fix the salary of the mayor at least six months prior to the next general municipal election.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 5.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Goodwin, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Killian, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Quarles, Reed, Roberts,

Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Weeks, Whatley, White and Williams.

—69

*Nays:* Messrs.: Andrews, Dial, Ford, Kinsey and Wyatt. —5

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Pegues, the rules were suspended in order to bring up out of order the bill, H. 42.

And the bill:

H. 42. To amend Section 2 of Act No. 130, Regular Session of the Legislature, 1975, by rewriting subsection (k) of said Section 2, to redefine the term "public official" so as to eliminate from said definition members of certain city and county boards of all counties and municipalities.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 14.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crowe, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Hall, Higginbotham, Hines, Holley, Jackson (F), Johnstone, Jolly, Killian, Kinsey, LeFlore, Lewis, McCluskey, McCulley, McMillan, McNair, McNees, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Starkey, Taylor, Trammell, Venable, Weeks, Whatley, White and Williams.

—62

*Nays:*

Messrs.: Albright, Crawford, Dial, Greer, Harrison, Hill, Hilliard, Hopping, Howard, Leonard, Malone, Teague, Tucker and Wyatt.

—14

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Smith (C), the rules were suspended in order to bring up out of order the bill, H. 121.

And the bill:

H. 121. To exempt the Chilton County Rescue Squad from the payment of all sales and use taxes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Folmar, Ford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Hines, Holley, Hopping, Howard, Jackson (F), Jolly,

Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Quarles, Roberts, Sasser, Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Weeks, Whatley, White, Williams and Wyatt.

—68

## MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama
Lady and Gentlemen:

I herewith transmit to you a Message from the Governor concerning House Bill Number 171, and containing suggested Executive Amendments.

Respectfully submitted,

HENRY B. STEAGALL, II,
Executive Secretary.

Done this 7th day of November, 1975.

To the House of Representatives
State Capitol
Montgomery, Alabama

Lady and Gentlemen:

At the request of the sponsor, I am returning to you, the Body in which it originated, House Bill Number 171 without my signature and approval and with the following suggested Executive Amendments.

It is suggested that you amend House Hill Number 171 by deleting Section 2 in its entirety, and substituting in lieu thereof, the following:

"Section 2. This act shall have no application and shall not apply to districts for fighting or preventing fires, districts for the collection and disposal of garbage and districts for both of the aforesaid purposes servicing less than 2,400 residential units nor more than 3,000 residential units."

It is further suggested that you amend House Bill Number 171 by adding Section 3 to read as follows:

"Section 3. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law."

The adoption of the above and foregoing Executive Amendments will remove my objections from this bill.

Respectfully,

GEORGE C. WALLACE,
Governor.

## GOVERNOR'S MESSAGE

On motion of Mr. Armstrong, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill,

H. 171, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 69; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Hopping, Jackson (F), Jackson (R), Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, McCluskey, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Plaster, Reed, Riddick, Roberts, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Tucker, Venable, Whatley, White, Williams and Wyatt.

—69

And the bill:

H. 171. To amend Act No. 79 of the Special Session of the Legislature of Alabama of 1966, approved August 17, 1966, (Ala. Acts, 1966 Special Session, p. 106 et seq.) as heretofore amended providing in Jefferson County for the creation and maintenance of districts for fighting or preventing fires, districts for the collection and disposal of garbage and districts for both of the aforesaid purposes.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 62; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Boles, Brindley, Campbell, Carothers, Carter, Cooper, Crawford, Crowe, Drake, Edwards, Folmar, Ford, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kinsey, LeFlore, Lewis, Lockett, McCluskey, McMillan, Malone, Martin, Merrill, Mitchem, Moore (W), Naramore, Plaster, Reed, Riddick, Roberts, Sasser, Shelton, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Tucker, Venable, Weeks, Whatley, Williams and Wyatt.

—62

## MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Venable, the rules were suspended in order to bring up out of order the bills, H. 220, H. 169 and H. 170.

And the bill:

H. 220. To amend further Code of Alabama 1940, Title 37, Section 10, in relation to the incorporation of unincorporated communities, so as to provide for incorporating less than the area contained in the map or plat accompanying the petition for incorporation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 3.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Brindley, Callahan, Campbell, Carter, Cates, Coburn, Cooper, Crawford, Dial, Edwards,

Gafford, Glass, Goodwin, Greer, Harrison, Hill, Hines, Hopping, Jackson (F), Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lockett, McMillan, McNees, Martin, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Quarles, Riddick, Roberts, Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Venable, Weeks, Whatley, White, Williams and Wyatt.

—55

*Nays:* Messrs.: Holmes, Lewis and Smith (C). —3

And the bill:

H. 169. (With Amendment): To amend Sections 1, 3, 5, 6, 6-a, 7, 8, 16, 18, 21, 23, 29, 31, 37, 39, 47 & 48 of Act 663, S. 132, Acts of Alabama 1961, enacted at the 1961 Regular Session of the Legislature of Alabama, as amended, which said act provides for and regulates general and special elections in cities and towns of this state which have a population of 300,000 inhabitants or less, except those cities and towns which have a commission form of government; designating the date and time for regular elections, and authorizing the municipal governing body to call special elections; prescribing the manner of giving notice of municipal elections and of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such elections may be contested and the procedure for contest thereof; and providing that the costs of municipal elections shall be paid by the city or town holding such election; to require ninety days prior residency of candidates and to authorize the establishment of voting centers; said act is now codified as Chapter 3A, Title 37, Code of Alabama, Recomp. 1958.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Government, said committee amendment being as follows:

Amend H. B. 169 on page 10, lines 22 and 23, by striking the following: ", or by the chairman and secretary of the canvassing board of the primary election".

And the amendment was adopted.

Yeas 50; Nays 0.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carter, Cates, Coburn, Cooper, Crawford, Edwards, Folmar, Gafford, Glass, Goodwin, Greer, Hill, Hines, Hopping, Jackson (F), Jolly, Kelley, Killian, LeFlore, Leonard, Lockett, McCluskey, McMillan, Martin, Merrill, Mitchem, Moore (O), Naramore, Pegues, Plaster, Quarles, Riddick, Roberts, Smith (J), Smith (M), Sparks, Venable, Weeks, Whatley, White, Williams and Wyatt.

—50

And the bill, H. 169 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Barron, Brindley, Campbell, Carter, Cates, Coburn, Cooper, Crawford, Edwards, Folmar, Gafford, Glass, Goodwin, Greer, Hill, Hilliard, Hines, Hopping, Jackson (F), Jolly, Kelley, Killian, Kinsey, LeFlore Leonard, Lewis, Lockett, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Pegues, Plaster, Quarles, Riddick, Roberts, Sasser, Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Venable, Warren, Whatley, White, Williams and Wyatt.

—57

And the bill:

H. 170. (With Substitute): To amend Sections 2, 4, 6, 7, 7-a, 8, 9, 12, 16, 19, 22, 24, 30, 32, 38, 40, 48, and 49 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868) as amended, which Act provides for and regulates general and special elections in cities and towns of this state which have a population of 300,000 inhabitants or less and which have a commission form of government; designating the date and time for regular elections and authorizing the Board of Commissioners to call special elections; prescribing the manner of giving notice of municipal elections, of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such election may be contested and the procedure for contest thereof; and providing that the cost of municipal elections shall be paid by the city or town holding such elections; to require 90 days prior residency of candidates and to authorize the establishment of voting centers; said Act is now codified as Chapter 3B, Title 37, Code of Alabama, Recomp. 1958.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Government, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 2, 4, 6, 7, 7-a, 8, 9, 19, 22, 24, 30, 32, 38, 40, 48, and 49 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868) as amended, which Act provides for and regulates general and special elections in cities and towns of this state which have a population of 300,000 inhabitants or less and which have a commission form of government; designating the date and time for regular elections and authorizing the Board of Commissioners to call special elections; prescribing the manner of giving notice of municipal elections, of designating voting places, and of appointing and compensating election offi-

cers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such election may be contested and the procedure for contest thereof; and providing that the cost of municipal elections shall be paid by the city or town holding such elections; to require 90 days prior residency of candidates and to authorize the establishment of voting centers; said Act is now codified as Chapter 3B, Title 37, Code of Alabama, Recomp. 1958.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868) is hereby amended to read as follows:

"Section 2. Whenever in this Act an hour of the day is prescribed for the doing of any act the time used shall be that of the official time established by the law of the State of Alabama then in effect. Whenever the last day on which an act may be done pursuant to this Act falls on a legal holiday as defined in Section 184 of Title 39, Code of Alabama 1940, or on a day on which the office in which the act must be done is authorized by law to be closed such act may be done on the next succeeding secular or working day. The phrase 'municipal governing body' when used in this bill shall mean and refer to the board of commissioners of the city."

Section 2. Section 4 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868) is hereby amended to read as follows:

"Section 4. (a) It shall be the duty of the mayor or other chief executive officer of the city or town to give notice of all municipal elections by publishing notice thereof in a newspaper published in the city or town, and if no newspaper is published in the city or town then by posting notices thereof in three public places within the municipality. When the notice is of a regular election such notice shall be published no earlier than the second Tuesday and no later than the third Tuesday in May preceding the election. When the notice is of a special election to be held on the second Tuesday in a month such notice shall be published on or before the second Tuesday of the second month preceding the month in which the election will be held except where otherwise provided by law. When the notice is of a special election to be held on the fourth Tuesday of a month such notice shall be published on or before the fourth Tuesday of the second month preceding the month in which the election will be held except where otherwise provided by law. Whenever and wherever two or more commissioners are to be elected the notice of the election shall clearly indicate which positions are to be filled, and each candidate in the announcement of his candidacy, shall designate the number of the position for which he is a candidate.

"(b) The notice of an election for commissioners shall be substantially in the following form:

"Notice of Election of Commissioner (or Commissioners) of the City (or Town) of _____, Alabama.

"Notice is hereby given that on Tuesday, _____ (date—month, day and year) an election for the purpose of electing a commissioner for position number ____ (one, two or three) or commissioners for positions number ____ (one, two or three, as the case may

be) on the Board of Commissioners of the city (or town) of _____, Alabama, will be held, and that all registered and qualified electors of the state, who reside within the corporate limits of _____, Alabama, and have resided therein for thirty days or more immediately preceding the day of such election will be authorized to participate in said election.

"The polls will be opened at (here list the places of voting which have been designated pursuant to Section 6 of this Act."

Section 3. Section 6 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868) is hereby amended to read as follows:

"Section 6. The board of commissioners shall, when it orders an election, designate at least one place of voting in each ward and if such ward has been divided into voting districts then at least one place of voting in each district. In those wards or districts where paper ballots are used in which there are more than three hundred legal voters or where voting machines are used six hundred legal voters, the board of commissioners may divide alphabetically the list of qualified voters in such ward or district into groups and assign each qualified voter a designated voting place and a designated box or voting machine in such ward or district. Nothing herein contained shall be construed to require the board of commissioners to designate more than one voting place in any ward which has not been divided into districts nor more than one voting place in any district, nor to provide a ballot box for every three hundred qualified electors when paper ballots are used or a voting machine for every six hundred qualified electors where voting machines are used.

"Notwithstanding the above provisions or any other provision of this act, the governing body of a municipality may establish in any ward or in the municipality where voting machines are used a voting center, which term means any place in the ward or municipality which the governing body designates as a place where a voting machine or voting machines will be maintained or operated at elections. The ordinance so designating voting centers shall state the location of the voting center and, if such voting center is to be utilized in a ward, then the boundaries of the ward in which the electors shall reside, to be entitled to vote at said voting center. The voting list furnished to the election officers serving at the voting center shall contain the names of all qualified electors of the ward or municipality on a single roll; however, when the roll contains more than twenty four hundred names the list of qualified electors on the roll shall be divided into alphabetical sections of not more than twenty four hundred names per section. No elector shall vote at any voting center other than the voting center of the ward of which he is a qualified elector but any elector eligible to vote at a voting center may vote on any voting machine maintained at such voting center, upon presentation of the identification card issued to him by an election officer serving at such voting center.

"The municipal governing body shall determine the number of voting machines deemed necessary to serve adequately the voters at any election, however, there shall be maintained at each voting center at least one voting machine for each six hundred qualified electors, or fraction thereof, residing in the ward served by the voting center.

"For each voting center where only one voting machine is to be used the election officials shall consist of an inspector, a chief clerk and a first and second assistant clerk. For each voting center where more than one voting machine is to be used there shall be appointed one chief inspector who shall supervise the conduct of the other officials and the

operation of the voting center, one inspector and one chief clerk, and for each voting machine to be used at such center there shall be appointed two assistant clerks. For each voting center where four or more voting machines are to be used there may be appointed two additional assistant clerks for each group of four voting machines, or fraction thereof. The municipal governing body must, not more than twenty nor less than fifteen days before the holding of any municipal election, appoint from the qualified electors of the municipality or the ward officers to hold the election as herein provided. The officers shall perform all duties imposed on election officers hereunder and in addition thereto the following duties: One of the election officers shall be assigned to each section of the voting list and such election officer shall issue to each elector at the time he checks the name off the list of qualified electors an identification card, which shall be presented to the assistant clerk in charge of the voting machine and surrendered to him when the voter enters the voting machine. The identification cards shall each have printed on them the words 'voter identification card' and they shall contain a space in which shall be entered the signature of the election officer who delivered the card to the elector. The identification card shall bear neither a number nor the name of the voter. Identification cards shall be procured by the same officer who procures other election supplies and shall be paid for from the same funds that the cost of other election supplies are paid for. The assistant clerk in charge of the voting machine shall require that each voter sign at the machine a poll list before he is allowed to enter the machine to vote. A separate poll list of persons casting challenged votes shall be kept by the officials. The poll list shall be signed or the name of the voter recorded as provided in Act No. 201, approved July 16, 1953, and codified in Section 175(1) of Title 17, Code of Alabama 1940, as amended. The returns of the canvass as required by law shall be filled out, verified and shall show the number of votes cast for each candidate, the number of votes cast for and against any proposition submitted and shall be signed and certified by the chief inspector, if any, an inspector, or chief clerk, and not less than two assistant clerks. Election officers, serving at voting centers, shall be compensated for their services in the same manner and at the same rates provided by law for election officers under the provisions of Section 7, as amended, of this act. It shall be the duty of all election officials to see that order is maintained in the polling place and the inspector shall see that the returns are filled out for each voting machine as required by law and delivered to the proper officials, and that the records of the election relating to each machine are enclosed respectively in each machine and that the list of qualified voters, challenged ballots, and one copy of each challenged oath and any other records relating to the election in general are enclosed in the appropriate voting machine."

Section 4. Section 7 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868) is hereby amended to read as follows:

"Section 7. In all municipal elections on any subject which may be submitted by law to a vote of the people of the municipality and for commissioners, if paper ballots are used, the voting shall be by official ballot printed and distributed as hereinafter provided, and no ballot shall be received or counted in any election unless it is provided as prescribed by law.

"There shall be but one form of ballot for all the candidates for the board of commissioners, and every ballot provided for use at any polling place in a municipal election shall contain the names of all candidates whose nominations for any position to be filled at such election have been duly made and not withdrawn, as hereinafter provided, together with the number of the position for which they are

candidates, arranged in tickets under the titles of the respective political parties or independent bodies as certified in the certificates of nomination.

"All ballots shall be printed in black ink on clear book paper. At the bottom of each ballot and at a point an equal distance from the sides thereof there shall be printed a one-inch square in which the number of the ballot shall be placed by the inspector when the ballot is cast; and every ballot shall contain a party device for each political party represented on the ticket. The arrangement of the ballot shall in general conform substantially to the plan hereinafter given, and in all cases the party columns must be placed in alphabetical order, beginning on the left of the ballot. The list of candidates of the several parties shall be printed in parallel and perpendicular columns, each column shall be headed by the chosen device of such party, as shown by the certificate of the Secretary of State filed with the probate judge of the county immediately prior to the last preceding general election for state officers, and the party name or other designation. There shall be a column for each separate ticket of candidates and such columns as are required for independent candidates to be voted for at the polling place for which the ballot is provided and in the appropriate place the words 'vote for one.'

"Ballots shall be fastened together in convenient numbers in books or blocks in such manner that each ballot may be detached and removed separately and each ballot shall have attached to it a stub of sufficient size to enable one of the inspectors to write or stamp his name or initials thereon and so attached to the ballot that when the same is folded the stub can be detached therefrom without injury to the ballot or exposing the contents thereof.

"Absentee ballots shall be in the same form as regular ballots except that there need not be attached to them a detachable stub, nor should a square be printed at the bottom of the ballot, and there shall be printed at the top of the ballot the words 'Official Absentee Ballot' and at the end thereof the following affidavit:

"State of Alabama

"_____County

"Before me, the undersigned authority, personally appeared _____, who is known (made known) to me and who, being first duly sworn, deposes and says: I am a bona fide resident and qualified elector of ward ____ and district No. ____ in the city (or town) of _____, State of Alabama. I have not voted in the election to be held on _____, 19____, and I am qualified to vote by absentee ballot.

"_____(Signature of voter)

"Sworn to and subscribed before me this ____ day of _____, 19____. I certify that the affiant is known (or made known) to me to be the identical party he claims to be.

"_____(Signature of official)

"_____(Title of official)

"In case of nomination by independent bodies, the ballot shall be so arranged that at the right of the last column for party nomination the several tickets of the names of independent candidates shall be printed in one or more columns according to the space required, having above

each of the tickets the political or other names selected to designate such independent nominations. The ballot herein provided shall be substantially in the following form, viz:

| "Name of officers to be voted for | (Emblem) Democratic 0 | (Emblem) Republican 0 | (Emblem) Independent 0 |
|---|---|---|---|
| "Commissioners: | | | |
| "Place No. 1 | ( ) John Doe | ( ) Richard Roe | ( ) J. W. Smith<br>( ) Jas Jones |
| "Place No. 2 | _____ | _____ | _____ |
| "Place No. 3 | _____ | _____ | _____ |

"In the event no candidates have been put in nomination by any caucus, convention, mass meeting, or other assembly of any political party or political faction in the municipality. The ballot shall be arranged in substantially the following form, viz:

For Commissioner No. 1

(Vote for one)

( ) John Doe
( ) Richard Roe
( ) James Jones
( ) etc.

For Commissioner No. 2

(Vote for one)

( ) Sam Johnson
( ) William Barnes
( ) etc.

For Commissioner No. 3

(Vote for one)

( ) J. W. Smith
( ) Carl Williams
( ) etc.

"The names of all the candidates who have been put in nomination by any caucus, convention, mass meeting, or other assembly of any

political party or political faction in the municipality, and certified in writing and filed with the chief executive officer of the municipality by five o'clock, p. m. on the third Tuesday in June preceding the date of the election shall be printed on the ballots. The certificate must contain the name of each person nominated and the office for which he is nominated, and must be signed by the presiding officer and secretary of the caucus, convention, mass meeting or other assembly.

"The mayor or other chief executive officer of the municipality shall also cause to be printed on the ballots the name of any qualified elector who has, by five o'clock, p. m., on the third Tuesday in June preceding the date set for the election, filed a statement of candidacy, accompanied by an affidavit taken and certified by an officer authorized to take acknowledgments in this state, that such person is duly qualified to hold the office for which he desires to become a candidate. Such statement shall be substantially in the following form:

"State of Alabama, _____ County. I, the undersigned, being first duly sworn, depose and say that I am a citizen of the city (or town) of _____, in said county, and reside at _____ in said city (or town); that I have been or will have been on the date of the municipal election a resident of said city (or town) for a period of not less than ninety (90) days; that I desire to become a candidate for Place No. ____ on the Board of Commissioners of said city (or town) for the term of ____ years at the election of such office to be held on the ____ day of _____, 19____; that I am duly qualified or will be so qualified to hold said office if elected thereto and I hereby request that my name be printed upon the official ballot at said election. (signed) _____. Subscribed and sworn to before me by said _____ on this the ____ day of _____, 19 ____. _____ (Style of officer).

"No name shall be printed upon the ballot as a candidate for election except the names of such persons as become candidates in the manner above prescribed, nor may any person be a candidate or be permitted to file his declaration for more than one place or position on the board of commissioners.

"All certificates of nomination and statements of candidacy filed with the mayor or other chief executive officer of the city or town within the time prescribed above shall be preserved for six months after the election for which such nominations or statements of candidacy were filed."

Section 5. Section 7-a of Act 664 of the Regular Session of 1961 (Acts of Alabama 1961, p. 868), as amended by Act 166 of the Regular Session of 1965, (Acts of Alabama 1965, Vol. I, p. 233) is hereby further amended to read as follows:

"Section 7-a. In the event only one person has filed a statement of candidacy or been nominated for an office by 3 p. m. on the third Tuesday in June preceding the date set for an election of municipal officers pursuant to Section 7 of this Act, then such person shall for all purposes be deemed elected to such office, any provisions of this Act to the contrary notwithstanding. The mayor or other chief executive officer shall not cause the name of such person or the office for which his candidacy was declared to be printed on the ballot, but he shall immediately file a written statement with the governing body of the municipality, attested by the Clerk, certifying the fact that only one person filed a statement of candidacy or was nominated for the office of _____ (naming the office) by 5 p. m. on the third Tuesday in June preceding the ____ day of _____, 19____, the date set for an election of municipal officers in the city (town) of _____, Alabama, and

setting forth the name of such person. Immediately upon receiving such statement the governing body of the municipality shall adopt a resolution declaring the person named in the statement duly elected to the office described in the statement, and shall issue a certificate of election to such person, and such person shall be deemed officially elected to the said office as of the date of such certificate."

Section 6. Section 8 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868), as amended by Act 158 of the Regular Session, 1971 (Acts of Alabama 1971, Vol. I, p. 432) is hereby further amended to read as follows:

"Section 8. The board of commissioners must, not more than twenty nor less than fifteen days before the holding of any municipal election, appoint from the qualified electors of the respective wards or voting districts, officers to hold the election as follows: where paper ballots are used one returning officer for each ward and three inspectors and two clerks for each box at each voting place; and where voting machines are used an inspector, a chief clerk and a first and second assistant clerk for each voting machine; except in the event voting centers are established then the requirements of section 3 of this Act shall control the number of election officials. In every city having, according to the last or any subsequent federal decennial census, ten thousand or more inhabitants the board of commissioners shall also appoint, from the qualified electors of the city, three inspectors, two clerks and a returning officer, who shall meet on the day of the election at such place and hour as the board of commissioners may designate for the purpose of receiving, counting and returning the absentee ballots cast at such election; and four days before the election the municipal governing body shall ascertain the number of absentee ballots which have been cast at the election and if more than six hundred absentee ballots have been cast the board of commissioners may appoint three more inspectors and two more clerks for each six hundred absentee ballots or fraction thereof cast at such election.

"The chairman of the municipal executive committee of any political party which has made nominations for office or the nominees thereof, may furnish the board of commissioners a list of not less than three names of qualified electors from each voting place and an inspector and a clerk shall be appointed from said list for each voting place; provided, that where there are more than two lists filed, the appointments shall be made from the lists presented by the two political parties having received the highest number of votes in the preceding regular municipal election, if each of said parties presents a list.

"In the event a person appointed as an election official is excused from serving or otherwise disqualifies himself prior to election day, the vacancy created thereby shall be filled by the municipal governing body in the same manner that original appointments are made. It is provided, however, that if the vacancy is among the officers appointed to serve at a polling place where voting machines will be used, after the school of instruction for election officials has been held as prescribed in Section 11 of this Act, a person who has received a certificate from a previous school of instruction shall, if possible, be appointed to fill the vacancy.

"The mayor or other chief executive officer of the municipality shall publish a list of the election officers so appointed, either by posting a list thereof, showing the voting places and the election officers appointed for each such voting place, at three public places in the city or town, or by publishing such a list in a newspaper published in the city or town at least ten days prior to the election.

"The mayor or other chief executive officer of the municipality shall notify the inspectors, clerks and returning officers of their appointment.

"The returning officer, the inspectors and the clerks at polling places where voting is solely by paper ballots shall be entitled to such compensation as the municipal governing body establishes but which in no event shall be less than eight dollars ($8.00) per day, and each election officer at a polling place where elections are conducted, in whole or in part, by voting machines shall be entitled to such compensation as the municipal governing body establishes but which in no event shall be less than eight dollars ($8.00) per day. The compensation of the election officials shall be paid as preferred claims out of the general fund of the municipality holding the election, on proper proof of service rendered."

Section 7. Section 9 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868) is hereby amended to read as follows:

"Section 9. The election officers at voting places where paper ballots are used shall meet at the respective places of holding elections for which they have been appointed, by seven thirty o'clock of the morning of the election; and at eight o'clock open the several polling places as designated, and keep them open without adjournment or recess until seven o'clock in the afternoon, and no longer.

"The election officials at voting places where voting machines are used shall meet at the place of holding elections for which they have been appointed by 7:30 o'clock of the morning of the election; and at eight o'clock, a. m., shall open the polls and keep them open without adjournment until seven o'clock, p. m., and no longer, except that in counties having a population of 400,000 or more inhabitants, according to the last or any subsequent federal decennial census, the poll shall be kept open until seven o'clock, p. m., and any qualified elector entitled to vote at such polling place who has identified himself with the election officials at such polling place by such closing time shall be permitted to cast his ballot. Before entering upon their duties the election officers must take an oath to perform their duties at the election according to law, and such oath may be administered either by any person authorized by law to administer oaths, or by an election inspector.

"When paper ballots are used, the inspectors shall select one of their number, on opening the polls, to act as challenger, and the challenger shall ascertain if each person presenting himself to vote has registered, such finding to be from an examination of the official list of the voters furnished by the mayor or other chief executive officer.

"Upon receipt of the list showing the names and addresses of every person whose name appears on the official list of qualified electors for that particular polling place who have voted absentee ballots in the election, the election officials shall strike from the list of qualified electors kept at that polling place the name of every person who has voted an absentee ballot; and no person who has voted an absentee ballot shall vote again.

"Before the election officials commence receiving ballots the election inspectors must cause it to be proclaimed aloud at the places of voting that the election is opened.

"After the polls have been opened no adjournment or recess shall be taken until the certificate of the result of the election is signed.

"Where voting machines are used the election officials shall also comply with the provisions of Section 28 of this Act and upon completing the duties thereby imposed shall formally declare the polls opened.

"The marshal, chief of police, or other chief law enforcement officer of the city or town shall preserve good order at all municipal elections held in the city or town, but not more than one officer shall at the same time be allowed to enter the polling place. Except as electors are admitted to vote and persons to assist them, as provided in this Act, and except the above mentioned law enforcement officers, the election officials and the watchers, no person shall be permitted within thirty feet of the polling place."

Section 8. Section 19 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868) is hereby amended to read as follows:

"Section 19. At all municipal elections the elector must vote only in the ward of his residence and at the box or voting machine to which he has been assigned. No person may vote at any such election unless he is a registered and qualified elector of the State of Alabama, who has resided in the county thirty days and in the ward thirty days prior to the election, and who has registered not less than ten days prior to the date of the election at which he offers to vote. It is provided, however, that any elector who, within thirty days next preceding the date of the election at which he offers to vote, has removed from one ward to another ward in the same city or town shall have the right to vote in the ward from which he has removed, if he would have been entitled to vote at such ward but for such removal. If any elector attempts to vote in any ward other than that of his residence, except as hereinabove authorized, his vote must be rejected.

"Any qualified elector of a ward who knows or suspects that a person proposes to vote or will offer to vote in such ward who is not entitled or duly qualified to vote in such ward may challenge such person. The challenge shall be communicated to the inspector before the challenged person is permitted to vote by the person in charge of admissions to the polling place. The person so challenged shall not be permitted to vote until he takes and subscribes the oath prescribed by Section 22 hereof and identifies himself in the manner therein prescribed."

Section 9. Section 22 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868) is hereby amended to read as follows:

"Section 22. Before any person who has been challenged by an inspector or a qualified elector, as hereinabove authorized, shall be allowed to vote, he shall take and subscribe to an oath, in the form hereinafter prescribed, and, in addition prove his identity and residence in the state, county, municipality, and ward in which he offers to vote by the oath of some elector personally known to one of the inspectors to be a qualified elector and a freeholder and householder.

"Before administering the oath prescribed, one of the inspectors shall inform the challenge person that if he takes the oath wilfully and falsely, he is guilty of perjury and on conviction may be imprisoned in the penitentiary for not less than one nor more than five years. One of the inspectors shall also inform any person making the affidavit of identity that if he makes such oath wilfully and falsely, he is guilty of perjury, and, on conviction, may be imprisoned in the penitentiary for not less than one nor more than five years.

"The oath hereinabove required of the challenged elector shall be tendered, read, and administered to him by one of the inspectors; shall be executed in duplicate; and shall be in the following form:

"State of Alabama, County of _____. I do solemnly swear (or affirm): 1. That I am a duly qualified elector under the Constitu-

tion and laws of the State of Alabama. 2. That I have resided in the State of Alabama thirty days next preceding this day. 3. That I have resided thirty days in this county next preceding this day. 4. That I have actually resided thirty days in this ward next preceding this day, or within thirty days next preceding this day have removed from this ward to another ward in this incorporated town or city, and would have been entitled to vote but for such removal. 5. That I am eighteen years of age or upwards. 6. That I have not been convicted of any crime which disfranchises me. 7. That I have been duly registered. 8. I know of no reason why I am not entitled to vote. 9. I am generally known by the name under which I now desire to vote, which is _____. 10. I have not voted and will not vote in any other ward, (or if the ward has been divided into districts, in any other voting district) in this election. 11. My occupation is _____; the name of my employer is _____. 12. My residence is _____ (if in a city or town, give street number). 13. During the last thirty days I have resided at _____. 15. That _____ and _____ have personal knowledge of my residence in the State of Alabama for thirty days in this county for thirty days and in this ward for thirty days next preceding this day. 16. This affidavit has been read to me. So help me God.

_____Signature.

"Subscribed and sworn to before me this ____ day of _____, 19____.

"The oath to establish identity of a challenged applicant to vote shall be executed in duplicate and shall be in the following form:

"State of Alabama, County of _____. I, _____, do solemnly swear (or affirm) that I have known _____ (here insert the name of the person offering to vote) for the last thirty days next preceding this election, and that he has been a resident of this state for said time, thirty days in this county, and he has actually resided in this ward for the last thirty days preceding this election, and within thirty days next preceding the date of this election, he removed from this ward to another ward in this incorporated town or city and would have been entitled to vote but for such removal), all immediately preceding this election; I do solemnly swear (or affirm) that I am a qualified elector of this ward; that I have been a freeholder and householder in this ward for thirty days next preceding this election; that my occupation is _____; my residence is _____: my business address is _____.

_____Signature.

"Subscribed and sworn to before me this ____ day of _____, 19____.

"After the above mentioned oaths have been duly taken and subscribed, the ballot of the person offering to vote must be received and deposited in the ballot box as the ballots of qualified electors.

"Should a person be challenged after he has received a ballot and refuse to take the oath or fail to prove his identity and residence by the oath of a freeholder or householder, as hereinabove required, his vote shall be rejected, and his ballot marked with his name shall be laid aside by the inspectors."

Section 10. Section 24 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868) is hereby amended to read as follows:

"Section 24. Every voter in a municipal election shall have the right to vote a secret ballot, which shall be kept secret and inviolate.

"Electors shall not be entitled to vote for any person whose name does not appear on the ballot, and no elector shall write in the name of any person on a ballot.

"If the elector desires to vote a straight ticket, that is, for each and every candidate for one party for whatever office nominated, he shall mark a cross mark (X) in the circle under the name of the party at the head of the ticket.

"If the elector does not desire to vote for each and every candidate nominated by his party he may vote blank for any office on his party ticket by making a cross mark (X) in the circle at the top of the ticket and striking out with pen or pencil the name or names of candidates he does not desire to vote for on the ballot.

"Any elector who desires to vote a split ticket, that is, for candidates of different parties, may do so: (1) By making a cross mark in the voting space before the name of each candidate for whom he desires to vote on whatever ticket he may be; or (2) when the elector desires to vote for all of a party's nominees, except the candidate for one office, then the elector may make a cross mark (X) in the circle under the name of the party at the head of the ticket, and a cross mark before the name of the candidate for whom he desires to vote on the other ticket and mark through with a pen or pencil the name of the candidate for whom he does not desire to vote on his party ticket."

Section 11. Section 30 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868) is hereby amended to read as follows:

"Section 30. At all elections where voting machines are used there shall be the following election officers for each voting machine: an inspector, a chief clerk and a first and second asssitant clerk; except in the event voting centers are established then the requirements of section 3 of this Act shall control the number of election officials.

"The inspector shall be in general charge of the poll, shall see that the counter compartments of the machines are never unlocked or opened so that the counters are exposed during voting, shall see that the other election officers perform the duties hereinafter imposed on them, shall keep a record of all voters at such machine who received assistance pursuant to Section 32(a) of this Act, and all other records required by law, and immediately after the polls have closed and the statement of the returns has been made shall deliver such statement and the key or keys to the machine to the municipal clerk. He shall also act as challenger.

"The chief clerk shall examine the list of qualified electors and check off the names of voters which appear thereon as they vote.

"The first assistant clerk shall attend the poll list and see that each voter signs his name thereon in the order in which he votes.

"The second assistant clerk shall attend the voting machine at all times, and see that it is not tampered with. He shall also inspect the ballot labels at frequent intervals to see that none have been tampered with and that the machine has not been injured."

Section 12. Section 32 of Act 664 of the Regular Session of 1961, (Acts of Alabama 1961, p. 868) as amended by Act 2229 of the Regular Session of the Legislature of 1971 (Acts of Alabama 1971, p. 3586), is further amended to read as follows:

"Section 32. (a) The election officers shall, with the aid of the diagrams herein authorized, and the mechanically operated model, instruct each voter before he enters the voting machine booth, regarding the operation of the machine, and shall give the voter opportunity personally to operate the model. No voter shall be permitted to receive any assistance in voting at any election, unless he shall first state in writing upon printed forms supplied for that purpose and under oath or affirmation, which shall be administered to him by the inspector, that he is blind or that he cannot read the names on the voting machines, or that, by reason of physical disability, he is unable to see the machine or prepare it for voting, or to enter the voting machine booth without assistance. The voter shall state the specific physical disability which requires him to receive assistance. Thereupon the voter may request assistance of two (2) inspectors of his choice or some other person of his own choice, and he shall be assisted by the two election officials of his choice or by such other person, who shall aid him in voting, and the inspector shall forthwith enter in writing on the record of assisted voters the voter's name; the fact that the voter cannot read the names on the voting machine, if that be the reason for requiring assistance and, otherwise, the specific physical disability which requires him to receive assistance; and the name of the election officials or such other person furnishing the assistance. Further, should an illiterate voter desire the assistance of a federal observer in casting his ballot the election officials shall permit such federal observer to assist such illiterate voter in casting his ballot. But if any voter, after entering the voting machine booth, and before the closing of such booth, shall ask for further instructions concerning the manner of voting, he may choose an election officer, or other person of his choice, who shall give him such instructions, but no official, or other person, giving a voter such instructions shall, in any manner, request, suggest, or seek to persuade or induce any such voter to vote any particular ticket, or for any particular candidate, or for or against any particular question. After giving such instructions, and before the elector closes the booth or votes, the election officer shall retire, and the voter shall forthwith vote. (b) It shall be unlawful for any official to assist a voter who has not made the oath required herein, or for an official or any other person to do anything to enable himself to see how any voter votes other than in the course of assisting a voter as provided herein."

Section 13. Section 38 of Act 664 of the Regular Session of 1961, (Acts of Alabama 1961, p. 868) is hereby amended to read as follows:

"Section 38. Any qualified elector of the city or town who is qualified to vote an absentee ballot, under the election laws of the State of Alabama, shall be entitled to cast an absentee ballot in any municipal election. Any qualified elector desiring to cast an absentee ballot may present himself before or make written application to the city or town clerk, or the person designated to serve in his stead, for an absentee ballot and shall mark, cast, complete and submit the ballot in the manner and under the requirements prescribed by the election laws of the state.

"The municipal clerk, or person designated to serve in his stead, shall handle such absentee ballots cast in the manner and under the requirements prescribed by the election laws of the state; and the municipal clerk, or person designated to serve in his stead, shall perform the duties required of the register under the election laws of the state as such laws pertain to the register's duties in handling absentee ballots.

"The voter shall mark his ballot (original and one carbon copy) without departing from the office of the clerk and without assistance, except that any applicant to cast an absentee vote may have assistance in preparing his ballot under the same rules and regulations as persons

who are unable to prepare ballots at regular polling places pursuant to Section 21 of this Act. The voter shall then subscribe to the affidavit printed on the ballot pursuant to Section 7 of this Act, before the municipal clerk, or person acting in the clerk's stead; and the clerk shall affix his signature and return the ballot to the voter. The voter shall fold each copy of the ballot insert the original in the envelope marked 'Original for Municipal Election Officials' and the carbon copy on the envelope marked 'Carbon Copy for Secretary of State', seal both envelopes, and give both sealed envelopes to the clerk.

"At the close of business each day the envelopes for the Secretary of State shall be placed in a larger envelope by the clerk and mailed by registered or certified mail on that day to the Secretary of State, State Capitol, Montgomery, Alabama.

"The clerk shall retain the envelopes marked 'Original for Municipal Election Officials', securely in his possession until the day of the election. If the election is in a municipality having a population of less than 10,000 inhabitants the absentee ballots shall be delivered by the clerk on election day, not later than the hour set for closing the polls, to the election officers of the wards of the respective voters. If the election is in a municipality having a population of 10,000 inhabitants or more, then the ballots shall be delivered by the clerk to the election officials appointed to serve, count, and make returns of the ballots cast by absentee voters, and as nearly as equal number thereof as possible shall be delivered to each set of such officials when there is more than one set of such officials.

"Absentee ballots delivered by the clerk to the election officials shall be counted and disposed of and returns therefor made as regular ballots are counted and disposed of and returns therefor made.

"All other laws of this state regulating and providing for voting of an absentee ballot shall apply to elections held under this Act."

Section 14. Section 40 of Act 664 of the Regular Session of 1961, (Acts of Alabama 1961, p. 868) is hereby amended to read as follows:

"Section 40. Any mayor or other chief executive officer of a municipality who wilfully fails to give notice of any municipal election as required in this Act shall be guilty of a misdemeanor and on conviction thereof shall be fined not more than five hundred dollars ($500), and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

"Any mayor or other chief executive officer of a municipality who knowingly puts on the list of qualified electors for a municipal election the name of any person who is not registered, as shown by the records in the probate office of the county in which such municipality lies, shall be guilty of a misdemeanor, and, on conviction, must be fined not less than one hundred dollars ($100).

"Any mayor or other chief executive officer of a municipality or other officer on whom the duty of the mayor may have temporarily devolved, who wilfully and knowingly neglects, fails, or refuses to perform any of the duties prescribed in this Act shall be guilty of a misdemeanor, and on conviction, shall be fined not less than one hundred dollars ($100) unless otherwise provided in this Act."

Section 15. Section 48 of Act 664 of the Regular Session of 1961, (Acts of Alabama 1961, p. 868) is hereby amended to read as follows:

"Section 48. Any elector who takes or removes, or attempts to take or remove, any ballot from the polling place at a municipal election before the close of the polls, or who remains longer than the time allowed by law in the booth or compartment after being notified his time has expired, must, on conviction, be fined not less than ten dollars ($10) nor more than one hundred dollars ($100).

"Any person who wilfully makes to the inspectors of a municipal election a false declaration asserting his inability to prepare his ballot without assistance, must, on conviction, be fined not less than fifty dollars ($50) nor more than five hundred dollars ($500).

"Any qualified elector at any municipal election who takes or receives any money or other valuable thing, upon the condition that the same shall be paid at any future time, in exchange for the vote of such elector for any particular candidate, or the promise to vote for any particular candidate, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars ($50) nor more than five hundred dollars ($500). No witness shall be prosecuted for any offense under this section as to which he testifies before the grand jury.

"Any person who falsely impersonates another and thereby or otherwise fraudulently casts a vote in a municipal election or having voted at such election votes a second time, whether in the same ward or another, shall be guilty of a felony, and, on conviction in the circuit court or court of like jurisdiction of the county, shall be punished by imprisonment in the penitentiary for a period of not less than one nore more than two years.

"Any absentee voter who shall wilfully make or subscribe to an oath falsely, in order to qualify himself to vote at a municipal election shall be guilty of perjury, and, upon conviction, may be imprisoned in the penitentiary for not less than one nore more than five years.

"Any person who takes a challenged voters oath or any person who makes an affidavit of identity for a challenged voter wilfully and falsely is guilty of perjury and, upon conviction, may be imprisoned in the penitentiary for not less than one nor more than five years.

"Any person voting at any municipal election who has not registered and taken and subscribed to the registration oath, must, on conviction, be fined not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000), and may also be imprisoned in the county jail, or sentenced to hard labor for the county for not less than one nor more than six months."

Section 16. Section 49 of Act 664 of the Regular Session of 1961, (Acts of Alabama 1961, p. 868) is hereby amended to read as follows:

"Section 49. Any person who shall wilfully fail or refuse to perform or discharge any duty relating to absent voters required of him by this Act shall be guilty of a misdemeanor, and, on conviction, shall be fined not more than one hundred dollars ($100).

"Any person found drunk or intoxicated at or about any polling place during any municipal election day is guilty of a misdemeanor, and, upon conviction, shall be fined not more than five hundred dollars ($500), and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months.

"Any person who, at a municipal election, interferes with any elector, when inside the polling place, or when marking the ballot, or

unduly influences, or attempts to unduly influence, any elector in the preparation of his ballot, must, on conviction, be fined not less than ten dollars ($10) nor more than one hundred dollars ($100).

"Any person who, during or before a municipal election, wilfully removes, tears down, destroys, or defaces any booth or compartment, or any convenience provided for the purpose of enabling electors to prepare their ballots, or any card printed for the instruction of electors, must, on conviction, be fined not less than ten dollars ($10) nor more than five hundred dollars ($500).

"Any person who buys or offers to buy any vote of any qualified elector at any municipal election by the payment of money or the promise to pay the same at any future time or by the gift of intoxicating liquors or other valuable thing, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than fifty dollars ($50) nor more than one hundred dollars ($100).

"Any person who by bribery or offering to bribe, or by any other corrupt means attempts to influence any elector in giving his vote in a municipal election, or to deter him from giving the same or to disturb, or to hinder him in the full exercise of the right of suffrage at any municipal election, must, on conviction, be fined not less than fifty dollars ($50) nor more than five hundred dollars ($500).

"Any person who, by the offer of money or the gift of money, or by the gift of intoxicating liquor or other valuable thing to any qualified elector at any municipal election, or by the loan of money to such elector with the intent that the same shall not be repaid for the purpose of influencing the vote of such elector at such election, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than fifty dollars ($50) nor more than five hundred dollars ($500).

"Any person who discloses how any elector voted at a municipal election shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500), and may also be sentenced to hard labor for the county for not more than six months.

"Any person who fraudulently alters or changes the vote of any elector, by which such elector is prevented from voting in a municipal election as he intended, must, on conviction, be fined not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000), and may also be imprisoned in the county jail for not less than thirty days nor more than six months.

"Any person who compares the number on the ballot in a municipal election with the poll list shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than one hundred dollars ($100); but this shall not apply on the trial of any contested elections.

"Any person who makes a copy of the poll list or any memoranda therefrom, or list of the persons voting at any municipal election, or the number of their ballots, or discloses the number of a voter's ballot, shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than two hundred dollars ($200).

"Any person who, on a municipal election day, disturbs or prevents, or attempts to prevent, any elector from freely casting his ballot, must, on conviction, be fined not less than five hundred dollars ($500) nor more than one thousand dollars ($1000), and may also be sentenced to hard labor for the county, or imprisoned in the county jail for not less than six months nor more than one year.

"Any person who falsely makes or fraudulently destroys any certificate of nomination for election at a municipal election, or any party thereof, or files any certificate of nomination, knowing the same, or any which has been duly filed, shall be guilty of a felony, and, on conviction, must be imprisoned in the penitentiary not less than one nor more than five years.

"Any person who suppresses any nomination for a municipal office which has been duly filed, shall be guilty of a felony, and, on conviction, must be imprisoned in the penitentiary not less than one nor more than five years.

"Any person who forges or falsely writes the name or initials of any inspector of a municipal election on any ballot, shall be guilty of a felony, and, on conviction, must be imprisoned in the penitentiary not less than one nor more than five years."

Section 17. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 18. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 51; Nays 1.

*Yeas:*

Mr. Speaker, Baker, Barron, Brindley, Campbell, Carter, Cates, Coburn, Cooper, Edwards, Gafford, Glass, Goodwin, Greer, Gregg, Hill, Hines, Holley, Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, LeFlore, Leonard, Lewis, Lockett, McMillan, McNees, Manley, Martin, Mitchem, Naramore, Pegues, Plaster, Riddick, Roberts, Sasser, Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Venable, Warren, Weeks, Whatley, White and Wyatt.

—51

*Nay:* Mr. Holmes. —1

And the bill:

H. 170. To amend Sections 2, 4, 6, 7, 7-a, 8, 9, 19, 22, 24, 30, 32, 38, 40, 48, and 49 of Act 664 of the Regular Session, 1961, (Acts of Alabama 1961, p. 868) as amended, which Act provides for and regulates general and special elections in cities and towns of this state which have a population of 300,000 inhabitants or less and which have a commission form of government; designating the date and time for regular elections and authorizing the Board of Commissioners to call special elections; prescribing the manner of giving notice of municipal elections, of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; presribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election when ever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such election may be contested and the procedure for contest thereof; and providing that the cost of municipal elections shall be paid by the city or town holding such elections; to require 90 days prior residency of can-

didates and to authorize the establishment of voting centers; said Act is now codified as Chapter 3B, Title 37, Code of Alabama, Recomp. 1958.

As thus amended was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 1.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Brindley, Campbell, Carter, Cates, Coburn, Cooper, Crawford, Edwards, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harrison, Hill, Hines, Holley, Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Killian, LeFlore, Leonard, Lewis, Lockett, McCluskey, McMillan, McNees, Manley, Martin, Moore (O), Naramore, Pegues, Plaster, Riddick, Roberts, Sasser, Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—61

*Nay:* Mr. Holmes. —1

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Falkenburg, the rules were suspended in order to bring up out of order the bill, H. 88.

And the bill:

H. 88. To amend Code of Alabama 1940, Title 45, Section 144, as amended, providing a daily prisoner meal allowance, so as to provide for an increase in such allowance.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carter, Cates, Coburn, Cooper, Crawford, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Jolly, Kelley, Killian, LeFlore, Leonard, Lewis, Lockett, McMillan, McNees, Manley, Martin, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Riddick, Roberts, Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—67

RESOLUTION

The following resolution was introduced:

By Mr. Manley:

H. J. R. 60. MOURNING THE DEATH OF CLANTON WARE WILLIAMS.

WHEREAS Clanton Ware Williams, a native of Montgomery and a descendant of families long identified with the history of this state and region, was a member of the Department of History at the University of Alabama for over two decades, and

WHEREAS, in that capacity Dr. Williams gave both moral and intellectual guidance to successive generations of Alabama's young men and women, and

WHEREAS, Dr. Williams also served his nation, first as an advocate of a strong defense in the years immediately preceding World War II, then as Chief Historian of the United States Army Air Forces during World War II, then again on active duty during the Korean conflict, and finally for a decade in the Foreign Service of the United States, and

WHEREAS, Dr. Williams also served as a leader of higher education in this region, first as vice-president and then as president of the University of Houston, and

WHEREAS, after returning to his home city of Montgomery, Dr. Williams came out of retirement to assume the task of serving as the first Executive Director of the Alabama Commission on Higher Education, and

WHEREAS, Dr. Williams was known throughout his life as a man of forthrightness and of unselfish devotion to the public good, and

WHEREAS, his dedication to the pursuit of excellence and his example of intellectual honesty and moral courage should serve as models for us all,

NOW, THEREFORE, BE IT RESOLVED that the Legislature of Alabama, both Houses assembled this 10th day of November, 1975, in the city of Montgomery, does note with sadness the death of Clanton Ware Williams, a sadness alloyed with appreciation for his great achievements, and

BE IT FURTHER RESOLVED that a copy of this resolution be presented to the Williams family in recognition of this State's appreciation for the life-long record of service of Clanton Ware Williams.

On motion of Mr. Manley, the rules were suspended and the resolution, H. J. R. 60, was adopted.

## UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Hilliard, Hopping, Trammell and Armstrong as co-sponsors to the resolution, H. J. R. 60.

## BILLS TEMPORARILY CARRIED OVER

On motion of Mr. Robertson, all bills on the Calendar were temporarily carried over in order to reach the bills, S. 85 and S. 47.

Yeas 65; Nays 8.

*Yeas:*

Mr. Speaker, Albright, Andrews, Baker, Barron, Boles, Callahan, Campbell, Carothers, Carter, Cooper, Crawford, Cross, Edwards, Falkenburg, Gafford, Glass, Goodwin, Greer, Hall, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Killian, LeFlore, Lewis, McMillan, McNair, Manley, Martin, Mitchem. Moore (O), Moore (W), Morris, Naramore,

Pegues, Plaster, Porter, Quarles, Reed, Riddick, Roberts, Robertson, Sandusky, Smith (M), Sparks, Starkey, Taylor, Tucker, Venable, Waggoner, Weeks, White, Williams and Wyatt.

—65

*Nays:*

Messrs.: Armstrong, Cates, Dial, Folmar, Gregg, Lockett, McCluskey and Teague.

—8

And the bill:

S. 85. Proposing an amendment to the Constitution of Alabama to authorize the Legislature to provide for the retirement of elected officials and of heads of departments of state government with such conditions, retirement benefits and pensions as it deems wise.

Was taken up.

Mr. Robertson offered the following amendment to the bill:

Amend S. 85, page 1, lines 32 through 38, by striking out Section 2 in its entirety, and inserting in lieu thereof the following new section:

Section 2. An election on the proposed amendment is ordered to be held on the same day as the primary election held at the expense of the state in May 1976, as provided by law.

And the amendment was adopted.

Yeas 76; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hilliard, Hines, Holley, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—76

Mr. Killian offered the following amendment to the bill, S. 85 as amended:

Amend S. B. 85, page 1, line 18, at the end of the paragraph and as a part thereof add the following: Upon making provisions for said retirement system, all supernumerary offices and programs shall be abolished except as to persons presently on supernumerary status or presently holding an office which has a supernumerary system.

And the amendment was adopted.

Yeas 81; Nays 1.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer,

Hall, Harrison, Higginbotham, Hilliard, Hines, Holley, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Quarles, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—81

*Nay:* Mr. Tucker. —1

And the bill, S. 85 as thus amended, was read a third time at length and passed.

Yeas 87; Nays 5.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harrison, Higginbotham, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Teague, Trammell, Turnham, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—87

*Nays:* Messrs.: Cates, Folmar, Smith (J), Taylor and Venable. —5

And the bill:

S. 47. To provide for the creation of the Alabama Elected Officials Retirement Fund; to provide for the actuarially sound administration and supervision thereof; to provide for the payment of contributions by the members of said fund; and further to provide for the necessary and proper appropriations and other employer costs to carry out the provisions of this Act.

Was taken up.

Mr. Robertson offered the following amendment to the bill:

Amend S. B. 47, page 1 line 26 in the title after the word "Act." by adding the following:

"To allow Registers in equity whether elected or appointed to participate in said system."

On page 8 line 10 after the present Section 9 add a new section as follows:

"Section 10. Anything in this Act to the contrary notwithstanding, Registers in Equity shall be qualified and entitled to participate in this retirement system whether elected or appointed."

Further amend said bill by renumbering all Sections accordingly.

And the amendment was adopted.

Yeas 80; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Malone, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Quarles, Reed, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—80

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 37. To amend Section 4 of Act No. 712, H. 48, Acts of Alabama 1951 (Acts 1951, Vol. II, p. 1250) relating to tourist advertising, to permit the purchase of intrastate advertising of state-owned parks by bureau of publicity and information.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 59. Naming Senate Bill 102 "The Turnham-Waldrop Bill."

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 240. To amend the title and Sections 1 and 4 of Act No. 29, H. 44, 1970 Extraordinary Session (Acts 1969-1970, p. 2631—now appearing in Code of Alabama 1940, Title 50, Sections 99 and 102), which Act provides for the incorporation of Districts, as public corporations, for the purpose of furnishing water service, sanitary sewer service, and fire protection service so as to bring the incorporation of certain solid wastes disposal districts within the purview of said Act and to repeal all conflicting statutes.

Also:

H. 47. To amend Section 1 of Act No. 471, S. 189, Regular Session 1969, (Acts of 1969, p. 914; now appearing in Code of Alabama, 1940,

Recompiled 1958, Title 55, Section 531, entitled "An Act To provide for the regulation and control of state-owned motor vehicles for official use by state officers and employees; to limit the number, cost and use of such vehicles, to provide for a transportation pool and to fix the responsibility for the maintenance and repair of vehicles therein; to establish a revolving fund for the use of the transportation pool, providing for the payment of certain fees and charges for the use of pool cars to be paid into such fund and appropriating state funds therefor; to provide for the administration and enforcement of this act and to prescribe penalties for violations; to ratify all acts of the Governor and finance director in establishing a transportation pool and to validate the transfer of funds allocated to state departments for the acquisition of automobiles to the finance department for the establishment of a transportation pool"; so as to place certain limitations on the size of such vehicles to be purchased for use by any employee, official or officer of the state except certain law enforcement personnel and constitutional officers.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 182. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Eufaula, in Barbour County.

Also:

H. 16. Relating to all counties having a population of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; placing the probate judge, the tax assessor, the tax collector and the circuit clerk on a salary basis of compensation.

Also:

H. 13. Proposing an amendment to the Constitution of Alabama to authorize regulation of the fees, commissions, percentages, allowances and compensation of county officers of Coffee County and of costs and charges of courts in said county.

Also:

H. 14. Relating to counties having a population of not less than 34,100 nor more than 34,900 inhabitants according to the most recent federal decennial census, further regulating the employment and compensation of certain personnel employed in the offices of the probate judge, tax assessor, tax collector and circuit clerk in such counties, and providing for the payment of the compensation of such employees from the general funds of the counties to which this act applies.

McDOWELL LEE,
Secretary.

S. 47 RESUMED

Mr. McCluskey offered the following amendment to the bill, S. 47 as amended:

Amend S. 47, Section 11 as follows:

Strike the words on line 23, page 8 beginning with the word "who" and ending with the word "Act" on line 26 and in lieu thereof substitute the following words:

"who at the effective date of this Act has accumulated seven (7) years or more credit toward supernumerary status under any existing supernumerary laws"

And the amendment was adopted.

Yeas 69; Nays 1.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Goodwin, Gregg, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, Malone, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Roberts, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—69

*Nay:* Mr. Greer. —1

Mr. Cates offered the following amendment to the bill, S. 47 as amended:

Amend Senate Bill 47 by striking the figure on page 5, line 27, and inserting in lieu thereof the following: sixteen (16).

MOTION TO TABLE LOST

The motion offered by Mr. Robertson to table the amendment offered by Mr. Cates to the bill, S. 47 as amended, was lost.

Yeas 30; Nays 38.

*Yeas:*

Messrs.: Andrews, Baker, Brindley, Campbell, Carothers, Cooper, Crawford, Falkenburg, Gafford, Hall, Hopping, Howard, Johnson, Killian, LeFlore, McCulley, McNees, Malone, Martin, Merrill, Moore (O), Naramore, Porter, Robertson, Shelton, Starkey, Trammell, Warren, Williams and Wyatt.

—30

*Nays:*

Mr. Speaker, Albright, Armstrong, Biddle, Cates, Coburn, Cross, Crowe, Dial, Edwards, Goodwin, Greer, Gregg, Higginbotham, Hill, Hines, Holley, Holmes, Jackson (F), Kinsey, Leonard, Lewis, Lockett, McCluskey, McMillan, Mitchem, Moore (W), Morris, Pegues, Reed, Rich, Riddick, Smith (M), Sonnier, Venable, Waggoner, Weeks and Whatley.

—38

AMENDMENT ADOPTED

The question was then on the amendment offered by Mr. Cates to the bill, S. 47 as amended, and the amendment was adopted.

Yeas 44; Nays 34.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Biddle, Callahan, Campbell, Cates, Coburn, Cross, Dial, Edwards, Folmar, Goodwin, Greer, Gregg, Harris,

Higginbotham, Hill, Holley, Jackson (F), Johnstone, Jolly, Kinsey, Lockett, McCulley, McMillan, Malone, Mitchem, Moore (W), Morris, Pegues, Rich, Riddick, Sandusky, Smith (C), Smith (J), Smith (M), Sonnier, Taylor, Venable, Waggoner, Warren, Weeks and Whatley.

—44

*Nays:*

Messrs.: Andrews, Baker, Boles, Brindley, Cooper, Crawford, Crowe, Falkenburg, Gafford, Hall, Hines, Holmes, Hopping, Howard, Johnson, Killian, LeFlore, Leonard, Lewis, Lutz, McNees, Martin, Merrill, Moore (O), Naramore, Porter, Reed, Robertson, Shelton, Starkey, Trammell, White, Williams and Wyatt.

—34

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Mr. Cates to indefinitely postpone the bill, S. 47 as amended, was lost.

Yeas 5; Nays 64.

*Yeas:* Messrs.: Albright, Cates, Pegues, Smith (J), and Taylor. —5

*Nays:*

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Crowe, Dial, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Killian, Kinsey, LeFlore, Leonard, Lewis, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Naramore, Porter, Reed, Riddick, Roberts, Roberston, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—64

And the bill, S. 47 as thus amended, was read a third time at length and passed.

Yeas 70; Nays 6.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Killian, Kinsey, LeFlore, Leonard, Lewis, Lutz, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Pegues, Porter, Reed, Rich, Riddick, Roberts, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—70

*Nays:*

Messrs.: Albright, Cates, Moore (W), Smith (J), Taylor and Whatley.

—6

RESOLUTION

The following resolution was introduced:

By Mr. Callahan:

H. J. R. 61. SUGGESTING THAT A TENTATIVE BUDGET BE PREPARED BY THE JOINT INTERIM COMMITTEE ON FINANCE AND TAXATION.

WHEREAS much time is spent during each session of the Legislature concerning budget matters; and

WHEREAS much of the time is spent resolving differences between the legislative and the executive branch on budget matters; and

WHEREAS the legislature has provided for an interim committee to hear the budget needs of the various departments and agencies of the state; and

WHEREAS it would be beneficial for there to be a preliminary decision made by the legislative branch as to its feelings on the matters of the budget; and

WHEREAS it would be to the interest of both the legislative and executive branches that differences be resolved as early as possible; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature does suggest to its interim committee considering the next budget that when they have concluded their hearings they proceed with drafting a suggested budget to be presented to the executive as a reflection of the feelings of the legislature as expressed through its Joint Interim Committee on Finance and Taxation.

The resolution, H. J. R. 61, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 214. To equalize the benefits payable under the Employees' Retirement System of Alabama and the Teachers' Retirement System of Alabama; to provide members of the Employees' Retirement System with up to four years military credit, and full retirement after thirty years of service, regardless of age, as has been previously granted members of the Teachers' Retirement System; to provide members of the Teachers' Retirement System retirement benefits based upon a final average compensation calculated upon the three highest of the last ten years of service, which has been previously granted members of the Employees' Retirement System; to provide for an increase in certain member contributions in order to insure future soundness and stability of the funds administered by the Retirement Systems of Alabama; and to provide for a long term decrease in the employer cost of funding said retirement systems and to provide that no appropriation is needed or required to implement the provisions of this Act.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Mr. Sasser offered the motion that the House non-concur in the Senate amendment to the bill, H. 214, and request a Committee on Conference, said Senate amendment being as follows:

Section 4 is hereby amended to read as follows:

SECTION 4. Any law or part of law to the contrary notwithstanding, each employer shall cause to be deducted from the salary of each member of the Teachers' and Employees' Retirement Systems on each and every payroll of such employer for each and every payroll period 5 per centum of his earnable compensation, except in the case of a state policemen the rate of 10 per centum of earnable compensation shall apply.

Any law or part of law to the contrary notwithstanding, the rate of contribution to the judicial retirement fund which a probate judge, a district court judge, a circuit judge and an appellate justice or judge shall pay shall be at the rate of 5 per centum in accordance with the applicable provisions of Act No. 1205, approved October 10, 1975, and Act No. 1163, approved September 18, 1973, but such increased rate of contribution over and above the applicable rate of contribution required by said Act No. 1205 and/or said Act. No. 1163 shall not be effective until February 1, 1977.

Amend House Bill No. 214 Page 12 Line 27, by striking out six after the words rate of.

Amend House Bill No. 214 Page 12 by adding at the end of Section 5, Section 5-A to read as follows:

Any probate judge who has attained the age of 80 years and has served as probate judge for 34 years or more may retire pursuant to the provisions of Act No. 1205, S. 400, 1975 Regular Session, and draw benefits on January 1, 1976, any provision of said Act to the contrary notwithstanding, including stated effective date within said Act.

Amend H. B. 214, as amended, page 2, the title, line 7, by inserting after the word "credit", the following:

retroactive to October 1, 1975,

Also on page 12, Section 3(2)(a), line 10, by inserting after the word "forces" the following:

The provisions of this subsection (3(2)(a)) shall be retroactive to October 1, 1975.

Also on page 12, Section 3(2)(b), line 16, by inserting after the word "who", the following:

prior to October 1, 1975,

Amend House Bill No. 214 by inserting after the word "per centum" in the first sentence of the second paragraph of the only Amendment attached to said Bill in the Finance and Taxation Committee the following language:

"of their salary derived from the State of Alabama"

Amend House Bill 214 by deleting Section 3 (3) in its entirety.

SUBSTITUTE MOTION OFFERED

Mr. Lee offered the substitute motion that the House concur in the Senate amendment to the bill, H. 214.

MOTION TO TABLE LOST

The motion offered by Mr. Sasser to table the substitute motion offered by Mr. Lee that the House concur in the Senate amendment to the bill, H. 214, was lost.

Yeas 41; Nays 53.

*Yeas:*

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Campbell, Carothers, Carter, Crawford, Cross, Crowe, Gafford, Glass, Harrison, Higginbotham, Jackson (F), Jolly, Kinsey, Leonard, Lutz, McCulley, McMillan, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Reed, Rich, Sasser, Smith (B), Smith (M), Starkey, Turnham, Whatley, White and Williams.

—41

*Nays:*

Messrs.: Armstrong, Brindley, Cates, Coburn, Cooper, Dial, Drake, Edwards, Falkenburg, Folmar, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Jackson (R), Johnson, Johnstone, Kelley, Killian, Lee, LeFlore, Lewis, Lockett, McCluskey, Martin, Morris, Pegues, Plaster, Porter, Riddick, Roberts, Robertson, Sandusky, Smith (C), Smith (J), Sonnier, Sparks, Taylor, Teague, Trammell, Tucker, Venable, Waggoner, Warren, Weeks and Wyatt.

—53

The question was then on the substitute motion offered by Mr. Lee that the House concur in the Senate amendment to the bill, H. 214, and the substitute motion was adopted.

Yeas 60; Nays 37.

*Yeas:*

Messrs.: Armstrong, Boles, Brindley, Carter, Cates, Coburn, Cooper, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Jackson (R), Johnson, Johnstone, Kelley, Killian, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, Mitchem, Morris, Pegues, Plaster, Porter, Reed, Riddick, Roberts, Robertson, Sandusky, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Taylor, Teague, Trammell, Tucker, Waggoner, Warren, Weeks and Wyatt.

—60

*Nays:*

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Crawford, Crowe, Gafford, Glass, Howard, Jackson (F), Jolly, Kinsey, Leonard, McCulley, Malone, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Quarles, Rich, Sasser, Smith (M), Starkey, Turnham, Venable, Whatley, White and Williams.

—37

And the bill:

H. 214. To equalize the benefits payable under the Employees' Retirement System of Alabama and the Teachers' Retirement System of Alabama; to provide members of the Employees' Retirement System

with up to four years military credit, retroactive to October 1, 1975, and full retirement after thirty years of service, regardless of age, as has been previously granted members of the Teachers' Retirement System; to provide members of the Teachers' Retirement System retirement benefits based upon a final average compensation calculated upon the three highest of the last ten years of service, which has been previously granted members of the Employees' Retirement System; to provide for an increase in certain member contributions in order to insure future soundness and stability of the funds administered by the Retirement Systems of Alabama; and to provide for a long term decrease in the employer cost of funding said retirement systems and to provide that no appropriation is needed or required to implement the provisions of this Act.

As thus amended, was again read at length and passed.

Yeas 69; Nays 25.

*Yeas:*

Messrs.: Andrews, Armstrong, Baker, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Dial, Drake Edwards, Falkenburg, Folmar, Goodwin, Greer, Gregg, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (R), Johnstone, Kelley, Killian, Lee, LeFlore, Lewis, Lockett, Lutz, McCulley, McMillan, Malone, Martin, Merrill, Mitchem, Morris, Pegues, Plaster, Porter, Reed, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks and Wyatt.

—69

*Nays:*

Mr. Speaker, Albright, Barron, Biddle, Crawford, Crowe, Gafford, Glass, Hall, Higginbotham, Jackson (F), Johnson, Kinsey, Leonard, McCluskey, Manley, Moore (O), Moore (W), Naramore, Owens, Rich, Starkey, Trammell, Whatley and Williams.

—25

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 95. To amend Section 259 of Title 46 of the Code of Alabama 1940, as amended, relating to the qualifications of applicants, to expedite the licensure of United States citizens who are graduates of foreign medical schools.

McDOWELL LEE,
Secretary.

## SENATE MESSAGE

On motion of Mr. Biddle, the House concurred in and adopted the Senate amendment to the bill, H. 95, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 259 of Title 46 of the Code of Alabama 1940, as amended, relating to the qualifications of applicants, to expedite the

licensure of United States citizens who are graduates of foreign medical schools.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 259 of Title 46 of the Code of Alabama 1940, as amended, is amended to read as follows:

"Section 259. (a) Any applicant for a Certificate of Qualification to practice medicine or osteopathy in the State of Alabama who has graduated from a college of medicine or osteopathy in the United States, District of Columbia, the territories of the United States, or the provinces of Canada which have been approved by the Board of Medical Examiners shall submit to the Board of Medical Examiners (1) A diploma showing graduation from such college of medicine or osteopathy; (2) Evidence satisfactory to the Board that the applicant has completed at least one year of internship at a hospital approved by the Board of Medical Examiners.

"(b) Any applicant for a Certificate of Qualification to practice medicine or osteopathy in the State of Alabama who has not graduated from a college of medicine or college of osteopathy located in the United States, District of Columbia, territories of the United States, or provinces of Canada, and who is not a United States citizen, shall submit to the Board of Medical Examiners (1) a diploma showing graduation from a college of medicine or osteopathy; (2) evidence satisfactory to the Board that the applicant has completed the requirements for a resident physician or resident surgeon in a hospital approved by the Board of Medical Examiners; (3) evidence satisfactory to the Board that the applicant has completed all the requirements for taking the examination of one of the speciality boards approved by the American Medical Association; (4) evidence satisfactory to the Board that the applicant has been certified by the Educational Council for Foreign Medical Graduates.

"(c) Any applicant for a Certificate of Qualification to practice medicine or osteopathy in the State of Alabama who has not graduated from a college of medicine or college of osteopathy located in the United States, District of Columbia, territories of the United States, or provinces of Canada and who is a United States citizen who completed his undergraduate studies at a college or university in the United States approved for preliminary training by the Board of Medical Examiners and who has studied medicine or osteopathy at a college of medicine or college of osteopathy located outside the United States which is listed by the World Health Organization but who is not authorized to practice medicine or osteopathy in the foreign country in which he studied shall submit to the Board of Medical Examiners (1) evidence satisfactory to the Board that the applicant has successfully completed all of the formal requirements of the foreign school except internship, residency, or social service requirements; (2) evidence satisfactory to the Board that the applicant has successfully completed one academic year of internship at a hospital affiliated with a medical school or school of osteopathy approved by the American Medical Association or by the State Board of Medical Examiners and, subsequent to that year, two (2) years of residency at a hospital in the United States having a residency program approved by the American Medical Association or by the State Board of Medical Examiners.

"(d) Any applicant for a Certificate of Qualification to practice medicine or osteopathy in the State of Alabama who has not graduated from a college of medicine or college of osteopathy located in the United States, District of Columbia, territories of the United States, or provinces of Canada and who is a United States citizen who completed his

undergraduate studies at a college or university in the United States approved for preliminary training by the Board of Medical Examiners may elect to satisfy the requirements of subsection (b) above in lieu of satisfaction of the requirements of subsection (c) above.

"(e) Any applicant for a Certificate of Qualification to practice medicine or osteopathy in the State of Alabama who has complied with the requirements set forth in the appropriate preceding subsections, shall be permitted to take the examination given by the National Board of Medical Examiners, the Federation Licensing Examination, or any other examination which is or shall be approved by the Board of Medical Examiners and which examines in the following branches of medical learning, to wit: General medicine, surgery, obstetrics, gynecology, preventive medicine and jurisprudence, pediatrics, family practice, and such other branches as the Board may require.

"(f) Any applicant who successfully completes such examinations with a passing score acceptable to the Board of Medical Examiners shall be issued a Certificate of Qualification to practice medicine or osteopathy in the State of Alabama.

"(g) Notwithstanding any other provisions of this section or article, the Board of Medical Examiners may, in its discretion, issue a certificate of qualification to any applicant if such applicant is currently licensed to practice medicine in another state."

Section 2. All laws or parts of laws in conflict with this Act are, to the extent of such conflict, expressly repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor of Alabama or when it otherwise becomes law.

Yeas 80; Nays 0.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin Greer, Gregg, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Pegues, Plaster, Porter, Reed, Riddick, Roberts, Sandusky, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—80

And the bill, H. 95 as thus amended, was again read at length and passed.

Yeas 78; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kinsey, Lee, LeFlore, Leonard, Lewis,

Lockett, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Pegues, Plaster, Porter, Reed, Roberts, Sandusky, Smith (B), Smith (M), Sonnier, Sparks, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—78

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 90. To create in the State of Alabama a "Joint Advisory Board of Family Practice" to further the supply of competent family physicians; to provide for the Board's membership number and selection; and to establish the duties and authorities of the Advisory Board.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Falkenburg, the House concurred in and adopted the Senate amendment to the bill, H. 90, said Senate amendment being as follows:

Amend House Bill No. 90 Page 1 Lines 28-34, by striking out Section 2 and inserting a new Section 2 to read as follows:

Section 2. There is hereby created a "Joint Advisory Board of Family Practice." The members of this Board shall be the Executive Committee of the Board of Directors of the Alabama Academy of Family Physicians, numbering no more than five individuals, and the Dean, or his duly appointed representative, of each medical school in the State of Alabama with an established Department of Family Practice, plus 4 lay people who are resident citizens of the State of Alabama, and over 21 years of age—two of the lay representatives are to be appointed by the Speaker of the House and two of the lay representatives are to be appointed by the Lieutenant Governor.

Yeas 65; Nays 1.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Barron, Biddle, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Edwards, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Jackson (F), Johnstone, Jolly, Kelley, Lee, LeFlore, Lockett, McCulley, McNees, Manley, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Porter, Reed, Rich, Roberts, Robertson, Sandusky, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—65

*Nay:* Mr. Lewis. —1

And the bill, H. 90 as thus amended, was again read at length and passed.

Yeas 72; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross,

Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kinsey, Lee, LeFlore, Leonard, Lockett, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Porter, Reed, Rich, Roberts, Robertson, Sandusky, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—72

## RESOLUTION

The following resolution was introduced:

By Messrs. Lutz, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. J. R. 62. THANKING REPRESENTATIVE BISHOP BARRON FOR PREPARING "TAX GUIDE FOR ALABAMA LEGISLATORS."

WHEREAS, the Honorable Bishop Barron, illustrious member of the House of Representatives, has used his legal and accounting acumen to prepare for publication the brochure entitled, "Tax Guide for Alabama Legislators"; and

WHEREAS, the preparation of this brochure took much time and effort; and

WHEREAS, the legislators will benefit greatly from the information and advice given by Representative Barron; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do express our deep appreciation to Representative Bishop Barron in preparing the "Tax Guide for Alabama Legislators."

On motion of Mr. Lutz, the rules were suspended and the resolution, H. J. R. 62, was adopted.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 210. To amend Section 3 of Act No. 2053, S. 122, 1971 Regular Session (Acts of 1971, p. 3290; now appearing in Code of Alabama, Recompiled 1958, Title 5, Section 318), entitled "To provide maximum finance charges for loans and credit sales; to regulate extensions of credit, including consumer loans, consumer credit sales and consumer

leases; to provide penalties for violation of this Act; and to authorize the Superintendent of Banks to administer this Act"; so to set a limit on collection of default of one hundred dollars ($100.00).

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Folmar:

H. J. R. 63. MOURNING THE DEATH OF MRS. AUDREY MAE SHEPPARD WILLIAMS.

WHEREAS, the Alabama Legislature has noted with a sense of deep regret the passing of Mrs. Audrey Williams; and

WHEREAS, Mrs. Audrey Williams contributed immeasurably to the enrichment of our cultural lives; and

WHEREAS, Mrs. Audrey Williams was ever ready to contribute to the needs of her neighbors and for the progress and betterment of her state; and

WHEREAS, Mrs. Audrey Williams, widow of Hank Williams, Sr., was a great musician in the country music business in her own right; and

WHEREAS, Mrs. Audrey Williams exhibited throughout her life those admirable attributes of friendliness, devotion to duty, and concern for her fellow men; she gained the respect and affection of all who knew her, whether friend or mere acquaintance; and

WHEREAS, Mrs. Audrey Williams is survived by her daughter, Mrs. Lamar Morris of Dickson, Tennessee; her son, Hank Williams, Jr., of Cullman, Alabama; two sisters, Mrs. Loretta Fleming of Brundidge, Alabama, and Mrs. Lynette Edwards of Durham, North Carolina; and her mother and father, Mr. and Mrs. C. S. Sheppard of Banks, Alabama; and

WHEREAS, this legislature would like to pay tribute to this great but humble woman who made a significant and lasting contribution to the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Mrs. Audrey Williams and express our deep and sincere sympathy to her family.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to her parents, Mr. and Mrs. C. S. Sheppard; her daughter, Mrs. Lamar Morris; and her son, Mr. Hank Williams, Jr.

On motion of Mr. Folmar, the rules were suspended and the resolution, H. J. R. 63, was adopted.

Also:

By Mr. McCorquodale:

H. R. 64. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA THAT the Clerk of the House notify the Senate that the House, after duly filing a motion in writing, is

now in position to return House Bill 9 with all amendments to the Senate upon the request of the Senate to reconsider such bill and amendments.

On motion of Mr. McCorquodale, the rules were suspended and the resolution, H. R. 64, was adopted.

Also:

By Mr. Reed:

H. R. 65. COMMENDING S. J. ELLINGTON, THE SOLE SURVIVING MEMBER OF THE "ST. MARKS TRAVELING FOUR" SPIRITUALISTS.

WHEREAS, for over 46 years the "St. Marks Traveling Four" had entertained and brought inspiration to thousands with their singing of spiritual songs; and

WHEREAS, this talented group appeared on the Thomas Reed Sunday Morning Program, broadcast over station WBIL in Tuskegee, for three years without missing a single program; and

WHEREAS, from this famed group, Deacon S. J. Ellington is the sole surviving member of the "St. Marks Traveling Four"; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That we do commend Deacon S. J. Ellington for his faithfulness in bringing inspiration to so many citizens of this State with his uplifting singing of spiritual songs.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Deacon S. J. Ellington.

On motion of Mr. Reed, the rules were suspended and the resolution, H. R. 65, was adopted.

## MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Lewis, the rules were suspended in order to bring up out of order the bill, H. 134.

And the bill:

H. 134. To make a conditional appropriation in the amount of $100,000.00 from the Alabama Special Educational Trust Fund to Alabama State Board of Education for the use and benefit of Alabama State University for the purpose of demolition and removal of a gutted building on the University campus and for the purpose of purchasing additional land within the University Master Plan Area.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 1.

*Yeas:*

Mr. Speaker, Albright, Baker, Barron, Carothers, Carter, Cates, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holmes, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, LeFlore, Leonard, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Merrill, Moore (O), Moore (W), Naramore, Owens,

Pegues, Plaster, Porter, Smith (B), Smith (M), Sparks, Trammell, Turnham, Venable, Weeks, Whatley, Williams and Wyatt.

—59

*Nay:* Mr. Shelton. —1

MOTION TO TEMPORARILY CARRY OVER BILLS

Mr. Lee offered the motion to temporarily carry over all bills on the Calendar in order to reach the bill, S. 81.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:35 P. M. On November 10, 1975

H. J. R. 10
H. J. R. 48
H. J. R. 51
H. J. R. 43
H. J. R. 44
H. 49
H. 151

JOHN W. PEMBERTON,
Clerk.

MOTION TO ADJOURN

Mr. Sasser offered the motion that the House adjourn until 12:00 o'clock noon, Thursday, November 13, 1975.

SUBSTITUTE MOTION LOST

The substitute motion offered by Mr. Holley that the House adjourn until 6:00 o'clock p. m. Thursday November 13, 1975, was lost.

Yeas 11; Nays 68.

*Yeas:*

Messrs.: Cross, Glass, Hall, Holley, LeFlore, Lutz, Porter, Quarles, Robertson, Smith (B), and Smith (J).

—11

*Nays:*

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Dial, Drake, Edwards, Folmar, Goodwin, Greer, Gregg, Harris, Higginbotham, Hill, Hilliard, Holmes, Howard, Jackson (F), Johnson, Johnstone, Killian, Kinsey, Leonard, Lockett, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—68

ADJOURNMENT

The question was then on the motion offered by Mr. Sasser that the House adjourn until 12:00 o'clock noon, Thursday, November 13, 1975, and the motion was adopted.

SEVENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, November 13, 1975

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Frank E. Wilson, Southside Baptist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—104

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the sixth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the sixth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the sixth legislative day was approved.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 214. To equalize the benefits payable under the Employees' Retirement System of Alabama and the Teachers' Retirement System of Alabama; to provide members of the Employees' Retirement System with up to four years military credit, retroactive to October 1, 1975, and

full retirement after thirty years of service, regardless of age, as has been previously granted members of the Teachers' Retirement System; to provide members of the Teachers' Retirement System retirement benefits based upon a final average compensation calculated upon the three highest of the last ten years of service, which has been previously granted members of the Employees' Retirement System; to provide for an increase in certain member contributions in order to insure future soundness and stability of the funds administered by the Retirement Systems of Alabama; and to provide for a long term decrease in the employer cost of funding said retirement systems and to provide that no appropriation is needed or required to implement the provisions of this Act.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

## SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

## REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 240. To amend the title and Sections 1 and 4 of Act No. 29, H. 44, 1970 Extraordinary Session (Acts 1969-1970, p. 2631—now appearing in Code of Alabama 1940, Title 50, Sections 99 and 102), which Act provides for the incorporation of Districts, as public corporations, for the purpose of furnishing water service, sanitary sewer service, and fire protection service so as to bring the incorporation of certain solid wastes disposal districts within the purview of said Act and to repeal all conflicting statutes.

Also:

H. 47. To amend Section 1 of Act No. 471, S. 189, Regular Session 1969, (Acts of 1969, p. 914; now appearing in Code of Alabama, 1940, Recompiled 1958, Title 55, Section 531, entitled "An Act To provide for the regulation and control of state-owned motor vehicles for official use by state officers and employees; to limit the number, cost and use of such vehicles, to provide for a transportation pool and to fix the responsibility for the maintenance and repair of vehicles therein; to establish a revolving fund for the use of the transportation pool, providing for the payment of certain fees and charges for the use of pool cars to be paid into such fund and appropriating state funds therefor; to provide for the administration and enforcement of this act and to prescribe penalties for violations; to ratify all acts of the Governor and finance director in establishing a transportation pool and to validate the transfer of funds allocated to state departments for the acquisition of automobiles to the finance department for the establishment of a transportation pool"; so as to place certain limitations on the size of such vehicles to be purchased for use by any employee, official or officer of the state except certain law enforcement personnel and constitutional officers.

Also:

H. 182. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Eufaula, in Barbour County.

Also:

H. 16. Relating to all counties having a population of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; placing the probate judge, the tax assessor, the tax collector and the circuit clerk on a salary basis of compensation.

Also:

H. 14. Relating to counties having a population of not less than 34,100 nor more than 34,900 inhabitants according to the most recent federal decennial census, further regulating the employment and compensation of certain personnel employed in the offices of the probate judge, tax assessor, tax collector and circuit clerk in such counties, and providing for the payment of the compensation of such employees from the general funds of the counties to which this act applies.

Also:

H. 13. Proposing an amendment to the Constitution of Alabama to authorize regulation of the fees, commissions, percentages, allowances and compensation of county officers of Coffee County and of costs and charges of courts in said county.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

## SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

## REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 210. To amend Section 3 of Act No. 2053, S. 122, 1971 Regular Session (Acts of 1971, p. 3290; now appearing in Code of Alabama, Recompiled 1958, Title 5, Section 318), entitled "To provide maximum finance charges for loans and credit sales; to regulate extensions of credit, including consumer loans, consumer credit sales and consumer leases; to provide penalties for violation of this Act; and to authorize the Superintendent of Banks to administer this Act"; so to set a limit on collection of default of one hundred dollars ($100.00).

Also:

H. 95. To amend Section 259 of Title 46 of the Code of Alabama 1940, as amended, relating to the qualifications of applicants, to expedite the licensure of United States citizens who are graduates of foreign medical schools.

Also:

H. 90. To create in the State of Alabama a "Joint Advisory Board of Family Practice" to further the supply of competent family physicians; to provide for the Board's membership number and selection; and to establish the duties and authorities of the Advisory Board.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 59. NAMING SENATE BILL 102 "THE TURNHAM-WALDROP BILL."

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

RECESS

On motion of Mr. Manley, tthe House recessed until 2:00 o'clock p.m.

HOUSE RECONVENED

The hour of 2:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 178. Relating to counties having a population of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census; to provide that the sheriff of such counties may sell supplies to prisoners and to provide for the disposition of revenue derived from such sales.

Also:

H. 160. Relating to all counties having populations of not less than 57,000 nor more than 61,000; providing further for the compensation and expenses of the circuit clerk and register in such counties.

Also:

H. 242. Relating to any county having a population of not less than 35,000 nor more than 38,000 according to the most recent federal decennial census; to provide for purging the lists of registered voters in Beat Seven in said counties; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, the judge of probate, and the county commission relative to the re-identification of registered voters; and providing a penalty for making a false statement in connection with re-identification.

Also:

H. 222. Relating to the Fifth Judicial Circuit, amending Act No. 485, S. 353, Regular Session 1963, pertaining to Solicitor fees collected in Fifth Judicial Circuit.

Also:

H. 241. Relating to any county having a population of not less than 35,000 nor more than 38,000 according to the most recent federal decennial census; authorizing the county governing body to provide for the relief of Mrs. Bertha Mae Barber for injuries sustained in an automobile accident due to a defective county road.

Also:

H. 217. To alter, rearrange and extend the boundaries of the Town of Blue Springs, so as to include within the corporate limits thereof certain additional territory in portions of Section 13, 14, 23, and 24, Township 8 North, Range 25 East, Barbour County, Alabama.

Also:

H. 195. To provide for making a barber commission inoperative and the law creating such commission and defining its powers inoperative, except in certain cases. To provide for the procedure whereby the commission shall become inoperative and the procedure whereby, after it becomes inoperative, it can become operative again.

McDOWELL LEE,
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Givhan, Foshee, Powell and Adams:

S. J. R. 28. CREATING A SELECT JOINT INTERIM COMMITTEE TO STUDY ALL FACTORS RELATING TO OR AFFECTING THE SALE OF GRAIN.

WHEREAS, the farmers of this State as well as other dealers in grain products are unable to get their grain unloaded and accepted within a reasonable period of time; and

WHEREAS, this delay not only causes a great inconvenience and financial loss to farmers, but it also results in a loss of revenue to the State; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint select interim committee to be composed of four members of the House and three members of the Senate to be appointed by the presiding officer of each house. The President of the Senate shall appoint the Chairman of the Committee and the Speaker of the House shall appoint the Vice-Chairman. The Committee shall investigate all factors relating to or affecting the sale of grain in the State. The Chairman of the Committee shall conduct hearings and examine witnesses who appear before the Committee and may appoint sub-committees and invest them with such authority as may be necessary to conduct the Committee's business and expedite its work. The total expenditures of the Committee shall not exceed three thousand five hundred dollars, exclusive of per diem legislative pay and travel expenses. Such pay and expenses shall be paid out of any available funds appropriated to the use of the legislature.

The Committee shall have subpoena power and the power to punish for contempt of a Committee of the Legislature.

Upon the request of the Chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the Committee's work.

The Committee shall report its findings, conclusions and recommendations to the Legislature not later than the fifth legislative day of the 1976 Regular Session. Whereupon the Committee shall be dissolved. Each member of the Committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the Committee which shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the Committee's Chairman.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 28, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 63. MOURNING THE DEATH OF MRS. AUDREY MAE SHEPPARD WILLIAMS.

Also:

H. J. R. 62. THANKING REPRESENTATIVE BISHOP BARRON FOR PREPARING "TAX GUIDE FOR ALABAMA LEGISLATORS".

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 171. To amend Act No. 79 of the Special Session of the Legislature of Alabama of 1966, approved August 17, 1966, (Ala. Acts, 1966 Special Session, p. 106 et seq.) as heretofore amended providing in Jefferson County for the creation and maintenance of districts for fighting or preventing fires, districts for the collection and disposal of garbage and districts for both of the aforesaid purposes.

by a majority of the whole number elected to the Senate, said vote being Yeas 25, Nays 0.

And said Bill, H. B. 171, as amended by the Executive amendment, was again read at length and passed by a majority of the whole number elected to the Senate, said vote being Yeas 25, Nays 0.

And said Bill, H. B. 171, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 85. Proposing an amendment to the Constitution of Alabama to authorize the Legislature to provide for the retirement of elected officials and of heads of departments of state government with such conditions, retirement benefits and pensions as it deems wise.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 56. Relative to adjournment of the two Houses until November 10.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The House concurred in and adopted the Senate amendment to the resolution, H. J. R. 56, said Senate amendment being as follows:

Amend H. J. R. 56 by striking the words "at twelve o'clock noon."

RESOLUTIONS

The following resolutions were introduced:

By Mr. Harrison:

H. J. R. 66. NAMING REPRESENTATIVE ANTONIO L. HARRISON AND SENATOR J. RICHMOND PEARSON THE OFFICIAL REP-

RESENTATIVES OF THIS LEGISLATURE AT THE THIRD NATIONAL INSTITUTE FOR BLACK ELECTED PUBLIC OFFICIALS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Representative Antonio L. Harrison and Senator J. Richmond Pearson be and are hereby appointed the official representatives of this body at the Third National Institute for Black Elected Public Officials on December 11-13, 1975, in Washington, D. C.

RESOLVED FURTHER, That Representative Harrison and Senator Pearson shall be entitled to reimbursement for their reasonable and necessary expenses incurred in traveling to and from and attending said function, to be paid from funds appropriated to the use of the Legislature.

MOTION TO SUSPEND RULES

Mr. Harrison offered the motion to suspend the rules and adopt the resolution, H. J. R. 66.

DIVISION OF THE QUESTION

Mr. Jackson (R) called for the Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Mr. Harrison to suspend the rules in order to take up for immediate consideration, the resolution, H. J. R. 66, and the motion was lost, lacking a four-fifths vote.

Yeas 35; Nays 21.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Carothers, Crawford, Crowe, Drake, Ford, Glass, Greer, Hall, Harrison, Hill, Hines, Holley, Howard, Johnstone, Leonard, Lutz, McCluskey, McCulley, Porter, Reed, Rich, Roberts, Sasser, Smith (M), Sparks, Starkey, Teague, Waggoner and Warren.

—35

*Nays:*

Messrs.: Barron, Boles, Cates, Clark, Folmar, Gafford, Higginbotham, Jackson (F), Jackson (R), Lewis, Lockett, McMillan, Owens, Smith (B), Smith (J), Smith (M), Trammell, Tucker, Venable, White and Wyatt.

—21

And the resolution, H. J. R. 66, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Rich:

H. R. 67. CONGRATULATING THE GAYLESVILLE HIGH SCHOOL FOOTBALL TEAM.

WHEREAS, The Gaylesville High School football team completed its 1975 regular season undefeated; and,

WHEREAS, the team will now be participating in the State One A playoffs; and,

WHEREAS, the performance of the Gaylesville football team reflects the great spirit and hard work of the players, coaches, student body, faculty, and citizens of the community; and,

WHEREAS, this is a credit to the entire community of Gaylesville and all of Cherokee County,

THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, that we congratulate the Gaylesville football team and wish them luck in the playoffs.

On motion of Mr. Rich, the rules were suspended and the resolution, H. R. 67, was adopted.

Also:

By Mr. Smith (C):

H. J. R. 68. CREATION OF A JOINT INTERIM COMMITTEE TO STUDY THE NEEDS OF VOCATIONAL EDUCATION IN ALABAMA.

WHEREAS, Vocational Education is a program designed to assist all persons of all ages, in all communities to compete successfully in an ever-changing labor market; and

WHEREAS, Vocational Education through its linkages with private and public employers, labor union and advisory committees constitutes a unique system for bridging the gap between education and earning a living; and

WHEREAS, there have been great advances in Vocational Education in recent years and increased interest has been displayed by the population as a whole; and

WHEREAS, Vocational Education has a direct impact on unemployment and on the social and economic conditions in every community in Alabama; and

WHEREAS, Vocational Education opportunities must be made available throughout the State as a means of developing an economy that will sustain full employment; and

WHEREAS, the Legislature of the State of Alabama has the responsibility for appropriating funds to provide Vocational Education on the secondary, postsecondary and adult levels in keeping with social, economic and technological needs:

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to be composed of three members of the Senate and three members of the House to be appointed by the presiding officer of the respective Houses to study the needs of Vocational Education in Alabama. The membership of the committee shall elect from among its membership a chairman and vice chairman. The committee shall study the total needs of Vocational Education in all cities, counties and statewide and shall report in writing its findings and recommendations to the Legislature not later than the 6th legislative day of the next regular session, whereupon the committee shall be dissolved.

Each member of the committee shall be entitled to his regular legislative compensation, per diem and travel expenses for each day he at-

tends a meeting of the committee which shall be paid out of any funds appropriated to the Legislature, on warrants drawn on the State Comptroller upon requisition signed by the committee chairman.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Smith (C) to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 68, was lost, lacking a four-fifths vote.

Yeas 35; Nays 16.

*Yeas:*

Messrs.: Albright, Andrews, Armstrong, Baker, Brindley, Carothers, Coburn, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Hall, Hines, Jackson (F), Johnstone, Kennedy, LeFlore, Lewis, McCulley, McNees, Malone, Moore (W), Rich, Robertson, Sandusky, Smith (C), Smith (J), Starkey, Teague, Turnham, Warren, White and Wyatt.

—35

*Nays:*

Messrs.: Barron, Callahan, Cates, Higginbotham, Howard, Jackson (R), Leonard, Lockett, Lutz, McMillan, Naramore, Riddick, Smith (B), Smith (M), Taylor and Venable.

—16

The resolution, H. J. R. 68, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 60. MOURNING THE DEATH OF CLANTON WARE WILLIAMS.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced:

By Mr. Wyatt:

H. J. R. 69. CONGRATULATING THE SOUTH MONTGOMERY COUNTY ACADEMY FOOTBALL TEAM ON ITS FINE SEASON.

WHEREAS the South Montgomery County Academy football team has just completed one of the best seasons in the school's history establishing a school record of ten wins and only one loss; and

WHEREAS the football team has finished number two in the state private school Class B football standings; and

WHEREAS this team is the first team in the school's history to make the state play-offs; and

WHEREAS Coach John Faircloth and his assistant coaches have shown great leadership in the basics as well as the finer points of the art of football and have instilled the boys the principle of good sportsmanship; and

WHEREAS we believe the actions of these fine young men on the football field are reflective of the school, faculty, parents and the good citizens of South Montgomery County; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend the South Montgomery County Academy football team for its outstanding record.

BE IT FURTHER RESOLVED That copies of this resolution be sent to the principal, coaches and each member of the football team.

On motion of Mr. Wyatt, the rules were suspended and the resolution, H. J. R. 69, was adopted.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 63. To further amend Sections 1 and 3 of Act No. 470, S. 182, 1969 Regular Session [Acts 1969, p. 912—now appearing in Code of Alabama Recompiled 1958, Title 55, Section 488 (1) and 488 (3)], as amended, entitled "An Act to provide for and regulate the payment of expenses of state officers and employees and persons traveling on official business for the state or any of its departments, institutions, boards, bureaus, commissions, councils, committees, and other like agencies," so as to provide for increases in subsistence and mileage allowances for such employees and to exempt legislators from the $25.00 per day maximum amount allowable for in-state travel.

Also:

H. 133. To name that portion of U.S. Highway 11 that is within Sumter County the "Livingston University Highway".

Also:

H. 128. Further amending Code of Alabama 1940, Title 22, Section 40, 42 relating to Vital Statistics, providing for equitable fees for service to county registration districts and state registration district in conformity with surrounding states.

Also:

H. 120. To name the Speech and Hearing Center at the University of Montevallo the "George C. Wallace Speech and Hearing Center."

McDOWELL LEE,
Secretary.

## H. J. R. 53

The resolution, H. J. R. 53, having been postponed on the fifth legislative day, was taken up.

## MOTION TO SUSPEND RULES

Mrs. Quarles offered the motion to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 53.

## H. J. R. 53 INDEFINITELY POSTPONED

On motion of Mr. Armstrong, the resolution, H. J. R. 53, was indefinitely postponed.

Yeas 48; Nays 22.

*Yeas:*

Messrs.: Andrews, Armstrong, Baker, Barron, Boles, Callahan, Campbell, Cates, Clark, Coburn, Crawford, Cross, Crowe, Gregg, Harris, Higginbotham, Hilliard, Hopping, Jackson (F), Jackson (R), Johnstone, Kennedy, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Martin, Naramore, Owens, Porter, Rich, Riddick, Roberts, Sandusky, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Venable, Waggoner and Warren.

—48

*Nays:*

Messrs.: Albright, Biddle, Brindley, Cooper, Dial, Drake, Edwards, Folmar, Ford, Goodwin, Hill, Howard, LeFlore, McCluskey, Morris, Quarles, Robertson, Shelton, Smith (J), Taylor, Tucker and Weeks.

—22

## MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Johnson, the rules were suspended in order to bring up out of order the bill, S. 81.

And the bill:

S. 81. To amend Sections 6, 15, 16, 17 and 18 of Act No. 183 enacted at the 1975 Third Special Session of the Legislature of Alabama so as to make different provision for the first term of office of any directors of any hospital authority organized under said Act who are elected by the Central Labor Council; so as to delete the reference in said Act to the University of Alabama; so as to revise the provisions of said Act relating to the applicability of the rules and regulations of the State Ethics Commission and to provide that the provisions of Act No. 130 (1975 Regular Session) shall apply to the members of the Board of Directors of any such hospital authority, and to the administrator and the purchasing agent of such hospital; so as to prohibit any such hospital authority from purchasing, or contracting to purchase, any goods or services from any employee of such authority or from the spouse of any such employee; so as to delete the requirement that all purchases, sales and contracts of such hospital authorities be administered in full compliance with Chapters 22 to 24, inclusive, of Title 55 of the Code of Alabama of 1940, and to provide, in lieu thereof, that the competitive bid provisions of Act No. 217 (1967 Special Session), as amended, shall apply to such hospital authorities to the same extent as to other local governmental agencies specifically mentioned therein and that the provisions of Act No. 314 (1969 Regular Session) and relating to insurance on public building contracts or public construction contracts shall be applicable to all such hospital authorities; and so as to revise the provisions of said Act requiring the publication of annual financial statements.

Was read a third time at length and passed.

Yeas 8; Nays 0.

*Yeas:*

Mr. Speaker, Clark, Howard, Johnson, Lee, LeFlore, Lutz and Owens.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 37. To amend Section 4 of Act No. 712, H. 48, Acts of Alabama 1951 (Acts 1951, Vol. II, p. 1250) relating to tourist advertising, to permit the purchase of intrastate advertising of state-owned parks by bureau of publicity and information.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 85. Proposing an amendment to the Constitution of Alabama to authorize the Legislature to provide for the retirement of elected officials and of heads of departments of state government with such conditions, retirement benefits and pensions as it deems wise.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 202. To amend Section 6, Act No. 1590, 1971 Regular Session (Acts 1971, p. 2721), relative to the licensing of ambulance drivers, by excluding application of said Act No. 1590 to businesses or companies which provide free ambulance services to their employees.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama

Lady and Gentlemen:

I am transmitting herewith a Message from the Governor concerning House Bill Number 214, and containing an Executive Amendment.

Respectfully submitted,

HENRY B. STEAGALL, II,
Executive Secretary.

DONE THIS 13th DAY OF NOVEMBER, 1975.

To the House of Representatives
State Capitol
Montgomery, Alabama

Lady and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 214 without my signature and approval and with the following suggested Executive Amendment.

It is suggested that you amend House Bill Number 214 by deleting Section 4 in its entirety, and substituting in lieu thereof the following:

"Section 4. Any law or part of law to the contrary notwithstanding, each employer shall cause to be deducted from the salary of each member of the Teacher's and Employees' Retirement Systems on each and every payroll of such employer for each and every payroll period 5½% of his earnable compensation, except in the case of a state policeman the rate of 10 per centum of earnable compensation shall apply.

Any law or part of law to the contrary notwithstanding, the rate of contribution to the judicial retirement fund which a probate judge, a district court judge, a circuit judge and an appellate justice or judge shall pay shall be at the rate of seven per centum of their salary derived from the State of Alabama in accordance with the applicable provisions of Act Number 1205, approved October 10, 1975, and Act Number 1163, approved September 18, 1973, but such increased rate of contribution over and above the applicable rate of contribution required by said Act Number 1205 and/or said Act Number 1163 shall not be effective until February 1, 1977."

I have come to this conclusion after long and deliberate study and after full consultation with those who manage the retirement systems for the State of Alabama.

The amendment which I suggested to you will greatly strengthen the fiscal position, and insure its continued soundness. Additionally, those persons who receive benefits through the retirement system will be brought closer to parity in relation to the sum of benefits received; and consequently, by their paying a greater portion and greater percentage will make it more equitable to the taxpayers of Alabama.

I feel strongly that there must be balance and equity among all of those who pay and receive benefits from the State retirement systems; and I believe that the amendment which I have submitted will partially

accomplish this result while you are in present session. Should you fail to accept this amendment, I will have no alternative other than to call still another special session to air this entire retirement funding system, and to, again, request the inequities be corrected.

I believe that it is high time that this Legislature quit bowing to special interest groups who demand benefits on the one hand and lobby vehemently on the other hand against paying for the same benefits. You should take this opportunity now to bring balance, reason, and fiscal soundness into this matter by enacting this amendment. The taxpayers will then become beneficiaries along with our retired public servants.

I, therefore, respectfully request that you favorably consider and pass the amendment which I have submitted to you, which will remove my objections to this bill.

Respectfully,

GEORGE C. WALLACE,
Governor.

GOVERNOR'S MESSAGE

Mr. Sasser offered the motion that the House concur in and adopt the amendment proposed by His Excellency, the Governor, to the bill, H. 214, said Governor's amendment being set out in the above and foregoing Message from the Governor.

SUBSTITUTE MOTION OFFERED

Mr. Johnson offered the substitute motion that the House non-concur in the amendment proposed by His Excellency, the Governor, to the bill, H. 214.

MOTION TO TABLE LOST

The motion offered by Mr. Sasser to table the substitute motion offered by Mr. Johnson was lost.

Yeas 41; Nays 58.

*Yeas:*

Mr. Speaker, Barron, Biddle, Callahan, Campbell, Carothers, Coburn, Cooper, Crawford, Crowe, Dial, Edwards, Falkenburg, Gafford, Gregg, Harrison, Higginbotham, Hilliard, Jackson (R), Lutz, McCulley, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Teague, Tucker, Venable, Weeks, White and Williams.

—41

*Nays:*

Messrs.: Albright, Andrews, Armstrong, Baker, Boles, Brindley, Carter, Cates, Clark, Cross, Drake, Folmar, Ford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kennedy, Killian, Lee, LeFlore, Leonard, Lewis, Lockett, McCluskey, McMillan, McNair, Martin, Naramore, Plaster Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Trammell, Waggoner, Warren and Wyatt.

—58

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill to-wit:

H. 171. To amend Act No. 79 of the Special Session of the Legislature of Alabama of 1966, approved August 17, 1966, (Ala. Acts, 1966 Special Session, p. 106 et seq.) as heretofore amended providing in Jefferson County for the creation and maintenance of districts for fighting or preventing fires, districts for the collection and disposal of garbage and districts for both of the aforesaid purposes.

And finds same correctly enrolled with Executive Amendment.

TOM DRAKE,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 178. Relating to counties having a population of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census; to provide that the sheriff of such counties may sell supplies to prisoners and to provide for the disposition of revenue derived from such sales.

Also:

H. 160. Relating to all counties having populations of not less than 57,000 nor more than 61,000; providing further for the compensation and expenses of the circuit clerk and register in such counties.

Also:

H. 242. Relating to any county having a population of not less than 35,000 nor more than 38,000 according to the most recent federal decennial census; to provide for purging the lists of registered voters in Beat Seven in said counties; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, the judge of probate, and the county commission relative to the re-identification of registered voters; and providing a penalty for making a false statement in connection with re-identification.

Also:

H. 222. Relating to the Fifth Judicial Circuit, amending Act No. 485, S. 353, Regular Session 1963, pertaining to Solicitor fees collected in Fifth Judicial Circuit.

Also:

H. 241. Relating to any county having a population of not less than 35,000 nor more than 38,000 according to the most recent federal decennial census; authorizing the county governing body to provide for the relief of Mrs. Bertha Mae Barber for injuries sustained in an automobile accident due to a defective county road.

Also:

H. 217. To alter, rearrange and extend the boundaries of the Town of Blue Springs, so as to include within the corporate limits thereof certain additional territory in portions of Section 13, 14, 23, and 24, Township 8 North, Range 25 East, Barbour County, Alabama.

Also:

H. 195. To provide for making a barber commission inoperative and the law creating such commission and defining its powers inoperative, except in certain cases. To provide for the procedure whereby the commission shall become inoperative and the procedure whereby, after it becomes inoperative, it can become operative again.

Also:

H. 63. To further amend Sections 1 and 3 of Act No. 470, S. 182, 1969 Regular Session [Acts 1969, p. 912—now appearing in Code of Alabama Recompiled 1958, Title 55, Section 488 (1) and 488 (3)], as amended, entitled "An Act to provide for and regulate the payment of expenses of state officers and employees and persons traveling on official business for the state or any of its departments, institutions, boards, bureaus, commissions, councils, committees, and other like agencies," so as to provide for increases in subsistence and mileage allowances for such employees and to exempt legislators from the $25.00 per day maximum amount allowable for in-state travel.

Also:

H. 133. To name that portion of U.S. Highway 11 that is within Sumter County the "Livingston University Highway".

Also:

H. 128. Further amending Code of Alabama 1940, Title 22, Section 40, 42 relating to Vital Statistics, providing for equitable fees for service to county registration districts and state registration district in conformity with surrounding states.

Also:

H. 120. To name the Speech and Hearing Center at the University of Montevallo the "George C. Wallace Speech and Hearing Center.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 63. MOURNING THE DEATH OF MRS. AUDREY MAE SHEPPARD WILLIAMS.

Also:

H. J. R. 62. THANKING REPRESENTATIVE BISHOP BARRON FOR PREPARING "TAX GUIDE FOR ALABAMA LEGISLATORS."

Also:

H. J. R. 56. RELATIVE TO ADJOURNMENT TO MEET AGAIN ON NOVEMBER 10, 1975.

Also:

H. J. R. 60. MOURNING THE DEATH OF CLANTON WARE WILLIAMS.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

H. 214 RESUMED

The question was then on the substitute motion offered by Mr. Johnson that the House non-concur in the amendment proposed by His Excellency, the Governor, to the bill, H. 214.

H. 214 TEMPORARILY CARRIED OVER

On motion of Mr. Holley, the bill, H. 214 with Executive amendment was temporarily carried over.

MOTION TO TEMPORARILY CARRY OVER BILLS LOST

The motion offered by Mr. Kinsey to temporarily carry over all bills on the Calendar to reach the bill, H. 244, was lost.

BILLS ON THIRD READING RESUMED

And the bill:

H. 86. To amend Sections 373 and 744 of Act No. 407, H. 198, Legislature of Alabama of 1971, approved August 25, 1971, entitled "An Act to provide a comprehensive revision, consolidation and classification of the laws of the State of Alabama relating to insurance and to the insurance business; to regulate the incorporation, formation, and affairs of domestic insurance companies, societies, and associations, and the admission of foreign alien insurance companies, societies and associations; to provide their rights, powers and immunities, and to prescribe the

conditions on which insurance companies, societies, and associations organized, existing, or authorized under this Act may exercise their powers; to provide the rights, powers and immunities and to prescribe the conditions on which other persons, firms, corporations, and associations engaged in or affected by an insurance business may exercise their powers; to provide for service of process on unauthorized insurers and the conditions for defense of actions brought against them in this State; to provide for certain powers, rights, obligations, and consequences as to insurers and other persons relative to insurance contracts and annuity contracts and matters arising from such contracts; to provide for the imposition of licenses, fees, and taxes and for the disposition thereof; to provide for the departmental supervision and regulation of the insurance business within or relative to this State; making appropriations; to provide penalties for the violation of this Act; to repeal certain laws and Acts, and for other purposes," which relate to the Standard Nonforfeiture and Standard Valuation Laws applicable to life insurance companies so as to increase the interest rates used in determining minimum non-forfeiture and reserve values for contracts issued by such companies, and to substitute modern mortality tables in determining the reserve values for annuity contracts.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 27; Nays 0.

*Yeas:*

Messrs.: Albright, Armstrong, Campbell, Carter, Crawford, Cross, Glass, Goodwin, Hopping, Jackson (F), Johnstone, Jolly, Kennedy, Kinsey, Lockett, Lutz, McMillan, McNees, Moore (W), Naramore, Owens, Plaster, Rich, Roberts, Shelton, Williams and Wyatt.

—27

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

## BILLS TEMPORARILY CARRIED OVER

On motion of Mr. Greer, all bills on the Calendar were temporarily carried over in order to reach the bill, S. 123.

And the bill:

S. 123. To amend Act No. 556, H. 857, Regular Session 1975, which relates to establishing a new fee schedule for services rendered in probate offices, so as to reduce the per page cost from $5.00 per page to $2.00 per page for pages where a substantial part of such page is printed in smaller type than 10 point.

Was taken up.

Mr. Manley offered the following amendment to the bill:

Amend S. B. 123 by striking on page 4 Section 1 on line 28 the following:

"except that the fee for all coal, oil, gas, and/or lignite leases shall be per page ..... $5.00"

Also delete said words and figures at any and all other places where they appear.

And the amendment was adopted.

Yeas 42; Nays 1.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Gafford, Goodwin, Gregg, Hall, Harrison, Higginbotham, Hilliard, Johnstone, Kennedy, LeFlore, Lockett, Lutz, McNees, Manley, Merrill, Moore (O), Naramore, Pegues, Reed, Sandusky, Shelton, Smith (B), Sonnier, Sparks, Venable, Warren and Williams.

—42

*Nay*: Mr. Wyatt. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Mr. Morris offered the following amendment to the bill, S. 123 as amended:

Amend S. B. 123 on page 4, section 1, starting on line 28, add the following words "except that the fee for all coal, oil, gas and/or lignite leases and all conveyances and/or mortgages conveying and/or securing real property of three hundred acres or more shall be per page ..... $5.00.

AMENDMENT TABLED

On motion of Mr. Greer, the amendment offered by Mr. Morris to the bill, S. 123 as amended, was tabled.

Yeas 33; Nays 4.

*Yeas:*

Mr. Speaker, Albright, Baker, Callahan, Campbell, Clark, Crawford, Cross, Crowe, Folmar, Gregg, Hall, Harrison, Higginbotham, Holley, Jolly, Kinsey, Leonard, Lockett, McMillan, McNees, Manley, Merrill, Mitchem, Naramore, Pegues, Rich, Shelton, Smith (B), Sonnier, Trammell, Weeks and Williams.

—33

*Nays*: Messrs.: Martin, Reed, Venable and Wyatt. —4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 123 as thus amended, was read a third time at length and passed.

Yeas 59; Nays 6.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Ed-

wards, Falkenburg, Folmar, Glass, Goodwin, Greer, Hall, Harrison, Hilliard, Holley, Hopping, Jackson (F), Johnstone, Jolly, Kinsey, LeFlore, Leonard, Lewis, Lockett, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Reed, Rich, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (J), Sonnier, Taylor, Teague, Trammell, Venable, Warren, Weeks and Williams.

—59

*Nays:*

Messrs.: Dial, Higginbotham, Kennedy, McCluskey, Morris and Wyatt.

—6

RESOLUTION

The following resolution was introduced:

By Mr. Holmes:

H. J. R. 70. WHEREAS, Much progress in the area of race relations has been made over the last twenty years, and

WHEREAS, There are minorities that have served and are now serving honorably in the Alabama legislature; and

WHEREAS, It is an objective of the Alabama Legislature and the State of Alabama to continue to promote good race relations;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That we welcome to Alabama the many organizations and individuals across the nation that will be celebrating the 20th anniversary of the Civil Rights Movement to be held in Montgomery on December 5th, 6th, and 7th,

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to the convention to be held in Montgomery.

On motion of Mr. Holmes, the rules were suspended and the resolution, H. J. R. 70, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Naramore, the rules were suspended in order to bring up out of order the bill, H. 106.

And the bill:

H. 106. To provide that the Mine Technology Building at Walker State Technical College shall be named The Robert T. Wilson Mine Technology Building for Senator Robert T. Wilson and to repeal all conflicting statutes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Brindley, Campbell, Cates, Coburn, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Johnstone, Jolly, Lee, Lewis, Lockett, Lutz, McCluskey, McMillan, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Porter, Reed, Rich, Riddick, Roberts, Shelton, Smith (B), Smith

(C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Trammell, Venable, Waggoner, Weeks, White, Williams and Wyatt.

—60

RESOLUTIONS

The following resolutions were introduced:

By Messrs.: Killian, Brindley, Johnstone, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Jolly, Kelley, Kennedy, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

H. R. 71. CONGRATULATING REPRESENTATIVE AND MRS. BOB HALL ON THE BIRTH OF THEIR SON, STEPHEN ROBERT.

WHEREAS, on November 8, 1975, at 11:20 p.m., the family of Representative Bob Hall was blessed by a visit from the Stork; and

WHEREAS, the Stork left a precious baby son, Stephen Robert; and

WHEREAS, the newest addition to the Hall family weighed 8 lbs. 1½ ozs. and was 20½ inches in length at birth; and

WHEREAS, Representative Hall and his family can be justly proud of his outstanding accomplishment in this legislative body; and

WHEREAS, Representative and Mrs. Hall have a beautiful young daughter, Janet Rebecca, who is a wonderful source of pride and joy; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That this Body extends its congratulations to Representative Hall for the excellent way in which he represents District 15 and the State of Alabama and to Representative and Mrs. Hall upon the birth of the newest addition to their family, Stephen Robert, a fine young son.

On motion of Mr. Killian, the rules were suspended and the resolution, H. R. 71, was adopted.

Also:

By Mr. Holley:

H. J. R. 72. TO FIX A DAY FOR HOLDING THE ELECTION ON CERTAIN CONSTITUTIONAL AMENDMENTS PROPOSED AT THE 1975 REGULAR SESSION OF THE LEGISLATURE.

WHEREAS several amendments to the Constitution of Alabama were proposed during the 1975 Regular Session of the Legislature, and the Act or resolutions proposing such amendments provided for the

submission thereof at an election to be held on the first Tuesday after the expiration of three months from the final adjournment of such session of the Legislature; and

WHEREAS the Legislature is now in session and bills proposing amendments to the Constitution have or may be introduced and passed at this session; and

WHEREAS it will be unnecessarily costly to hold two special elections on proposed amendments to the Constitution within a short time and would save much money to have only one election at which amendments proposed at the Regular Session and the Fourth Special Session of 1975 could be submitted to the voters; and

WHEREAS the Justices of the Supreme Court of Alabama advised the Legislature on former occasions that there are no requirements of law as to the form that a legislative appointment of the day for an election must take, and that the designation of the day may be incorporated in the Act or resolution proposing the amendment or otherwise; and

WHEREAS there is no prohibition in law which prevents a redesignation of a day appointed for holding the election on the constitutional amendments proposed at the 1975 Regular Session of the Legislature; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That an election upon each of the amendments proposed during the 1975 Regular Session of the Legislature which provided for the submission thereof at a special election to be held on the first Tuesday after the expiration of three months from the final adjournment of such 1975 Regular Session of the Legislature shall be on the same day fixed for submitting amendments proposed at the Fourth Special Session of 1975, namely, the first Tuesday after the expiration of three months from the final adjournment of the current Fourth Special Session.

RESOLVED FURTHER That no election shall be held on the first Tuesday after the expiration of three months from the final adjournment of the 1975 Regular Session of the Legislature on any amendments proposed during such regular session though the Act or resolution proposing such amendment directs the holding of the election on such date; but instead such amendments shall be submitted at an election to be held as provided in the foregoing paragraph.

RESOLVED ALSO That notice of the election and of the proposed amendments shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State.

On motion of Mr. Holley, the rules were suspended and the resolution, H. J. R. 72, was adopted.

RECESS

On motion of Mr. Owens, the House recessed until 5:00 o'clock p.m.

Yeas 41; Nays 39.

*Yeas:*

Mr. Speaker, Andrews, Baker, Barron, Biddle, Callahan, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Dial, Falkenburg, Gafford, Greer, Harris, Higginbotham, McCulley, McMillan, McNees, Malone, Merrill,

Moore (O), Moore (W), Owens, Reed, Rich, Roberts, Sandusky, Shelton, Smith (J), Smith (M), Sonnier, Teague, Trammell, Turnham, Venable, Waggoner, White and Williams.

—41

*Nays:*

Messrs.: Albright, Armstrong, Boles, Cross, Folmar, Ford, Glass, Goodwin, Hall, Harrison, Hilliard, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Lee, Leonard, Lewis, Lockett, Lutz, McNair, Martin, Naramore, Plaster, Porter, Quarles, Riddick, Smith (B), Smith (C), Sparks, Taylor, Warren, Weeks and Wyatt.

—39

HOUSE RECONVENED

The hour of 5:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 69. CONGRATULATING THE SOUTH MONTGOMERY COUNTY ACADEMY FOOTBALL TEAM ON ITS FINE SEASON.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs.: McDonald (S), Bank, Jones, Adams, Baker, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, King, Little, Littleton, McDonald (A), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop and Wilson.

S. J. R. 27. MOURNING THE DEATH OF CLANTON WARE WILLIAMS.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Holmes, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 27, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Little

S. J. R. 21. REQUESTING THE DEPARTMENT OF THE EXAMINERS OF PUBLIC ACCOUNTS TO EXAMINE ALL STATE LEASES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department of the Examiners of Public Accounts is requested to examine all State leases now in existence between any State agency, the State itself or any authority or other legal entity thereof and any private entity (Lessor) which leases have more than thirty (30) days from present time to its future expiration before it will expire or be removed.

The Examiner of Public Accounts is requested to make a complete and comprehensive report to the Legislative Committee on Examiners of Public Accounts as soon as possible but not later than sixty (60) days from this date. Including therein the property owners including, but not limited to all General Partners, limited partners, all stockholders if a corporation, also, all parties involved if property or improvements are sub-leased to lessor for the purpose of leasing to state agency and number of times lease was renewed with same parties showing terms and conditions of prior period leases. Also include lessor, if different from property owner, amount of parking space provided in lease and cost thereof to State, terms of lease, annual dollar amount of lease, annual dollar cost to State per square foot, total rentable square feet, and services furnished, annual escalator clauses, and the department of the State or the entity which has leased the property and improvements and any other facts which are pertinent to the lease in the opinion of the Department of Examiners of Public Accounts. The Examiner shall also show the approving authority and individual executing on behalf of the State. The Examiner, in addition to the above, is requested to show in summary Lessors with more than one State lease and/or Lessors receiving rentals in excess of $5,000 per year.

The Examiner of Public Accounts is also requested to report in summary and in addition to the above all office space leased by any state agency in Montgomery County, Alabama disclosing the amount of square footage per lease with stipulated monthly and yearly rental; the average cost of utilities per lease per month, excluding telephone service expense and the distance to the nearest tenth of a mile said leased premises is located from the State Capitol.

McDOWELL LEE,
Secretary.

## SENATE MESSAGE

The resolution, S. J. R. 21, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

## RESOLUTION

The following resolution was introduced:

By Mr. Holley:

H. R. 73. URGING THE CLERK OF THE HOUSE OF REPRESENTATIVES TO IMPROVE TELEPHONE SERVICE BY PROVIDING TELEPHONES FOR OUTGOING CALLS IN THE CHAMBER ANTEROOM.

WHEREAS, the five telephones in the anteroom connecting the house chamber and the east wing of the Capitol Building are being utilized at only a fraction of their potential use simply because outgoing calls cannot be made from these units; and

WHEREAS, other telephones around the house chamber are frequently in use, causing congestion, delay, and inconvenience to all; and

WHEREAS, the installation of telephones capable of completing outgoing calls in the anteroom would alleviate much of the inconvenience and competition among house members for use of available telephones; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That we strongly urge the Clerk of the House to improve telephone service to this body by providing telephones capable of completing outgoing calls in the booths in the anteroom between the house chamber and the east wing of the Capitol Building.

On motion of Mr. Holley, the rules were suspended and the resolution, H. R. 73, was adopted.

H. 214 RESUMED

SUBSTITUTE MOTION LOST

The question was then on the substitute motion previously offered by Mr. Johnson that the House non-concur in the amendment proposed by His Excellency, the Governor, to the bill, H. 214, and the substitute motion was lost.

Yeas 42; Nays 51.

*Yeas:*

Messrs.: Albright, Armstrong, Boles, Brindley, Cates, Drake, Folmar, Ford, Goodwin, Greer, Hall, Harris, Harrison, Hill, Holley, Holmes, Howard, Johnson, Johnstone, Jolly, Killian, Lee, LeFlore, Leonard, Lewis, Lockett, McCluskey, McNair, Naramore, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Smith (C), Smith (J), Sparks, Taylor, Trammell, Warren and Wyatt.

—42

*Nays:*

Mr. Speaker, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Clark, Coburn, Cooper, Crawford, Crowe, Dial, Edwards, Falkenburg, Gafford, Glass, Gregg, Higginbotham, Hilliard, Hines, Jackson (F), Jackson (R), Kennedy, Kinsey, Lutz, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Porter, Sandusky, Shelton, Smith (B), Smith (M), Sonnier, Teague, Tucker, Venable, Waggoner, Weeks, White and Williams.

—51

GOVERNOR'S AMENDMENT ADOPTED

The question was then on the motion offered by Mr. Sasser that the House concur in and adopt the amendment proposed by His Excellency, the Governor, to the bill, H. 214, and the motion was adopted.

Yeas 50; Nays 47.

*Yeas:*

Mr. Speaker, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Clark, Coburn, Cooper, Crawford, Crowe, Dial, Edwards, Falkenburg, Gafford, Glass, Gregg, Higginbotham, Hilliard, Hines, Jackson (F), Jackson (R), Killian, Kinsey, Lutz, McCulley, McMillan, Malone, Manley,

Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Teague, Tucker, Venable, Waggoner, Weeks, White and Williams.

—50

*Nays:*

Messrs.: Albright Andrews, Armstrong, Boles, Brindley, Cates, Cross, Drake, Folmar, Ford, Goodwin, Greer, Hall, Harris, Harrison, Hill, Holley, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Kennedy, Lee, LeFlore, Leonard, Lewis, Lockett, McCluskey, McNair, Naramore, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Smith (C), Smith (J), Sparks, Taylor, Trammell, Warren and Wyatt.

—47

MOTION TO RECONSIDER TABLED

Having voted on the prevailing side, Mr. Malone offered the motion to reconsider the vote by which the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 214, and on motion of Mr. Sasser, the motion offered by Mr. Malone to reconsider was tabled.

Yeas 51; Nay 44.

*Yeas:*

Mr. Speaker, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Clark, Coburn, Cooper, Crawford, Crowe, Dial, Edwards, Falkenburg, Gafford, Glass, Gregg, Higginbotham, Hilliard, Hines, Jackson (F), Jackson (R), Killian, Kinsey, Lutz, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Porter, Sandusky, Sasser, Shelton, Smith (M), Sonnier, Teague, Tucker, Venable, Waggoner, Weeks, Whatley, White and Williams.

—51

*Nays:*

Messrs.: Albright, Armstrong, Boles, Brindley, Cates, Cross, Drake, Folmar, Ford, Goodwin, Greer, Hall, Harris, Harrison, Hill, Holley, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Kennedy, Lee, LeFlore, Leonard, Lewis, Lockett, McCluskey, McNair, Malone, Naramore, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Smith (C), Smith (J), Sparks, Taylor, Warren and Wyatt.

—44

And the bill:

H. 214. To equalize the benefits payable under the Employees' Retirement System of Alabama and the Teachers' Retirement System of Alabama; to provide members of the Employees' Retirement System with up to four years military credit, retroactive to October 1, 1975, and full retirement after thirty years of service, regardless of age, as has been previously granted members of the Teachers' Retirement System; to provide members of the Teachers' Retirement System retirement benefits based upon a final average compensation calculated upon the three highest of the last ten years of service, which has been previously granted members of the Employees' Retirement System; to provide for an increase in certain member contributions in order to insure future soundness and stability of the funds administered by the Retirement Systems of Alabama; and to provide for a long term decrease in the employer cost of funding said retirement systems and to provide that no appropriation is needed or required to implement the provisions of this Act.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 57; Nays 39.

*Yeas:*

Mr. Speaker, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Dial, Edwards, Falkenburg, Gafford, Glass, Greer, Gregg, Harrison, Higginbotham, Hilliard, Hines, Jackson (F), Jackson (R), Kennedy, Killian, Kinsey, Lutz, McCulley, McMillan, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Porter, Rich, Riddick, Sandusky, Sasser, Shelton, Smith (M), Sonnier, Teague, Trammell, Tucker, Venable, Waggoner, Weeks, Whatley, White and Williams.

—57

*Nays:*

Messrs.: Albright, Andrews, Armstrong, Boles, Brindley, Cross, Drake, Folmar, Ford, Goodwin, Hall, Harris, Hill, Holley, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, LeFlore, Leonard, Lewis, Lockett, McCluskey, McNair, Malone, Naramore, Plaster, Quarles, Reed, Roberts, Robertson, Smith (C), Smith (J), Sparks, Taylor, Warren and Wyatt.

—39

## MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 81. To amend Sections 6, 15, 16, 17 and 18 of Act No. 183 enacted at the 1975 Third Special Session of the Legislature of Alabama so as to make different provision for the first term of office of any directors of any hospital authority organized under said Act who are elected by the Central Labor Council; so as to delete the reference in said Act to the University of Alabama; so as to revise the provisions of said Act relating to the applicability of the rules and regulations of the State Ethics Commission and to provide that the provisions of Act No. 130 (1975 Regular Session) shall apply to the members of the Board of Directors of any such hospital authority, and to the administrator and the purchasing agent of such hospital; so as to prohibit any such hospital authority from purchasing, or contracting to purchase, any goods or services from any employee of such authority or from the spouse of any such employee; so as to delete the requirement that all purchases, sales and contracts of such hospital authorities be administered in full compliance with Chapters 22 to 24, inclusive, of Title 55 of the Code of Alabama of 1940, and to provide, in lieu thereof, that the competitive bid provisions of Act No. 217 (1967 Special Session), as amended, shall apply to such hospital authorities to the same extent as to other local governmental agencies specifically mentioned therein and that the provisions of Act No. 314 (1969 Regular Session) and relating to insurance on public building contracts or public construction contracts shall be applicable to all such hospital authorities; and so as to revise the provisions of said Act requiring the publication of annual financial statements.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Waggoner:

H. J. R. 74. MOURNING THE DEATH OF CLYDE N. TATE.

WHEREAS, Clyde N. Tate, widely known throughout the State of Alabama and to many members of the Legislature died unexpectedly on Wednesday at his home in Birmingham; and

WHEREAS, Mr. Tate was one of this state's most prominent citizens, serving as President and Chairman of the Board of Southern National Bank; and

WHEREAS, Mr. Tate was widely known and respected in sports circles, having played football for the University of Alabama and served as President of the Birmingham Football Officials Association; and

WHEREAS, Mr. Tate was very active in civic work, serving on the Vestavia Hills Park Board and on the Industrial Development Board of the Birmingham Area Chamber of Commerce as well as the Alabama Bankers Association, the American Bankers Association and the Bank Marketing Association; and

WHEREAS, he devoted his full energies to all of these many activities while still maintaining a warmth and understanding toward his fellow man; and

WHEREAS, he was loved by all who knew him as a kind, generous and personable gentleman; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That our deepest sympathy is extended to his wife, two sons and other members of his family whose loss is also felt by the entire state.

RESOLVED FURTHER, That a copy of this resolution be sent to the family of Clyde N. Tate.

On motion of Mr. Waggoner, the rules were suspended and the resolution, H. J. R. 74, was adopted.

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Sonnier as co-sponsor to the resolution, H. J. R. 74.

Also:

By Mr. Pegues:

H. R. 75. DIRECTING DR. DAVID G. BRONNER, SECRETARY-TREASURER OF THE STATE EMPLOYEES' RETIREMENT SYSTEM, TO PREPARE A COMPREHENSIVE STATUS AND PROJECTION REPORT ON THE VARIOUS FUNDS IN THE RETIREMENT SYSTEM.

WHEREAS, there is a need for the Alabama Legislature to be cognizant at all times of the financial condition of the various funds under the control and management of the state employees' retirement system in order to protect its members and the financial stability of the funds; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That Dr. David G. Bronner, Secretary-Treasurer of the State Employees' Retirement System, be and he is hereby directed to prepare in writing a comprehensive status and projection report on the various funds administered under the State Employees' Retirement System. Such report shall cover all facets of the retirement system and shall include but not be limited to the following: The present financial position of the various funds, including the percentage and dollar increments, compared to the previous ten-year period; a ten-year and a twenty-five year projection of the financial position of the various funds, including the percentage and dollar increments, compared to the previous ten-year period; and the cost to be the state and to the members.

BE IT FURTHER RESOLVED, That Dr. David G. Bronner is further directed to consult with and employ such actuarial expertise as may be necessary to complete the status and projection report.

RESOLVED FURTHER, That the Secretary-Treasurer of the State Employees' Retirement System shall report in writing his findings, conclusions and recommendations to the House of Representatives and each member thereof, individually, no later than the tenth legislative day of the next regular session of the legislature.

On motion of Mr. Pegues, the rules were suspended and the resolution, H. R. 75, was adopted.

Also:

By Mr. Whatley:

H. J. R. 76. AUTHORIZING THE JOINT INTERIM COMMITTEE ON AGRICULTURE TO SPEND

WHEREAS, there was a joint interim committee on agriculture created in the 1975 Regular Session

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the joint interim committee on agriculture is hereby authorized to spend, in addition to any other amount previously authorized, the sum of $4,000.00.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Whatley to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 76, was lost.

And the resolution, H. J. R. 76, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Holmes:

H. R. 77. WHEREAS, Much progress in the area of race relations has been made over the last twenty years, and

WHEREAS, There are minorities that have served and are now serving honorably in the Alabama Legislature; and

WHEREAS, It is an objective of the Alabama Legislature and the State of Alabama to continue to promote good race relations;

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That we welcome to Alabama the many organizations and individuals across the nation that will be celebrating the 20th Anniversary of the Civil Rights Movement to be held in Montgomery on December 5th, 6th, and 7th.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to the convention to be held in Montgomery.

On motion of Mr. Holmes, the rules were suspended and the resolution, H. R. 77, was adopted.

Also:

By Mr. White:

H. J. R. 78. APPROVING THE ATTENDANCE OF REPRESENTATIVE ROY JOHNSON TO THE CITIZENS CONFERENCE ON STATE LEGISLATURES AND TO REIMBURSE HIM FOR ORDINARY AND NECESSARY EXPENSES.

WHEREAS, It is in the best interest of the State of Alabama to be officially represented at the Citizens Conference on State Legislatures which has as its basic purpose Drug Abuse and Alcoholism; and

WHEREAS, This seminar is to be held November 17, 18 and 19, 1975 in Roanoke, Virginia,

NOW THEREFORE BE IT RESOLVED, Both Houses thereof concurring, That Representative Roy Johnson be appointed Alabama's official delegate to the Citizens Conference on State Legislatures to study Drug Abuse and Alcoholism and that he be reimbursed for ordinary and necessary expenses in attending this important convention from the funds appropriated to the use of the Alabama Legislature upon the certificate of the Clerk of the House. Provided, however, that in the event that the Alabama Legislature is in session on such dates Representative Johnson shall not receive such expenses.

On motion of Mr. White, the rules were suspended and the resolution, H. J. R. 78, was adopted.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

S. 138. To amend Act No. 1148, H. 600, Regular Session 1975, relating to the practice of optometry, by removing certain repetitious clauses, renumbering certain sub-paragraphs, and by correcting certain erroneous citations and conflicting paragraphs.

said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor concerning Senate Bill Number 138, and containing suggested Executive Amendments.

Respectfully submitted,

HENRY B. STEAGALL, II,
Executive Secretary.

DONE THIS 13 DAY OF NOVEMBER, 1975.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

At the request of the sponsor, I am returning to you, the Body in which it originated, Senate Bill Number 138 without my signature and approval and with the following suggested Executive Amendment.

It is suggested that you amend Section 17 of said bill by striking the following language:

"Provided, however, that nothing in this Act shall apply in any way to any licensed physicians; nor to any physician assistant or ophthalmic assistant program conducted under any accredited state university program; nor to any physician's assistant as defined in Act Number 1948, Acts of Alabama, 1971 Regular Session, Page 3146, approved September 20, 1971, nurse, technician, medical assistant, optician, or other allied or ancillary health personnel acting under the prescription, supervision, or direction of a licensed physician in the office in which such physician normally actually practices his profession, and nowhere else."

and inserting in lieu thereof, the following:

"Provided, however, that nothing in this Act shall apply in any way to any licensed physician; nor to any physician assistant or ophthalmic assistant program conducted under any accredited state university program; nor to any physician's assistant as defined in Act Number 1948, Acts of Alabama, 1971 Regular Session, Page 3146, approved September 20, 1971. Nothing in this Act shall be construed as preventing an ophthalmologist from using assistants normally used in his practice under his direct personal supervision in the office in which such ophthalmologist normally actually practices his profession, and nowhere else.".

The adoption of the above and foregoing Executive Amendment will remove my objections from this bill.

Respectfully,

GEORGE C. WALLACE,
Governor.

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, S. B. 138, by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 22, Nays 0.

And said Bill, S. B. 138, as amended by the Executive amendment, was again read at length and passed by a majority of the whole number elected to the Senate, said vote being: Yeas 22, Nays 0.

And said Bill, S. B. 138, together with the Executive Amendment, is herewith sent to the House for its consideration.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Starkey, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, S. 138, said Governor's amendment being set out in the above and foregoing Message from the Senate.

Yeas 90; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Pegues, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—90

And the bill:

S. 138. To amend Act No. 1148, H. 600, Regular Session 1975, relating to the practice of optometry, by removing certain repetitious clauses, renumbering certain sub-paragraphs, and by correcting certain erroneous citations and conflicting paragraphs.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 85; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Pegues, Plaster, Porter, Quarles, Rich, Riddick,

Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Warren, White, Williams and Wyatt.

—85

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Ellis:

S. J. R. 30. COMMENDING HUEYTOWN HIGH SCHOOL FOR WINNING THE GOVERNOR'S TROPHY IN THE NATIONAL VETERANS' DAY PARADE.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Boles, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 30, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs.: Pearson, McMillan, Fine and Powell:

S. J. R. 34. EXTENDING WELCOME TO THOSE ORGANIZATIONS CELEBRATING THE 20th ANNIVERSARY OF THE CIVIL RIGHTS MOVEMENT IN MONTGOMERY IN DECEMBER.

WHEREAS, Much progress in the area of race relations has been made over the last twenty years, and

WHEREAS, There are minorities that have served and are now serving honorably in the Alabama legislature; and

WHEREAS, It is an objective of the Alabama Legislature and the State of Alabama to continue to promote good race relations;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That we welcome to Alabama the many organizations and individuals across the nation that will be celebrating the 20th anniversary of the Civil Rights Movement to be held in Montgomery on December 5th, 6th, and 7th,

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to the convention to be held in Montgomery.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 34 set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

RECESS

On motion of Mr. Manley, the House recessed subject to the call of the Chair.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 69. CONGRATULATING THE SOUTH MONTGOMERY COUNTY ACADEMY FOOTBALL TEAM ON ITS FINE SEASON.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 202. To amend Section 6, Act No. 1590, 1971 Regular Session (Acts 1971, p. 2721), relative to the licensing of ambulance drivers, by excluding application of said Act No. 1590 to businesses or companies which provide free ambulance services to their employees.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 74. MOURNING THE DEATH OF CLYDE N. TATE.

McDOWELL LEE,
Secretary.

## REPORT OF CONFERENCE COMMITTEE ON HOUSE BILL 9

We, your Committee on Conference appointed to reconcile the differences between the two Houses on the Bill, House Bill 9, beg leave to report as follows:

That the House of Representatives and the Senate of Alabama adopt the accompanying Conference substitute.

Rep. Hugh Merrill
Rep. Walter Owens
Rep. Richard Manley
Conferees on part of the House

Senator L. D. Owen, Jr.
Senator Joe Fine
Senator Robert T. Wilson
Conferees on part of the Senate

## A BILL TO BE ENTITLED AN ACT

To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1976.

Be It Enacted by the Legislature of Alabama:

Section 1. That for the purpose of this Act, the following classifications, definitions and restrictions shall be applicable: (a) "salary" and "other salaries", wherever appearing herein, shall mean the wages or other compensation for skill, work or employment for anyone performing services for the State of Alabama as an employee, officer or official, and shall be expended only for such purposes; (b) "other expenses" shall mean the operating costs of agencies, departments, boards, bureaus and institutions of the State, other than salaries and equipment purchases and shall be expended only for operating costs incident to the normal operations of such agencies, departments, boards, bureaus and institutions, including supplies and materials, postage, telephone, telegraph, express, travel expense, motor vehicle operations, lights, water, power, insurance and bonding, printing and binding, repairs, rental and items of general expense not defined as "equipment purchases", and the money appropriated therefor shall be expended only for such purposes; (c) "equipment purchases" shall mean those items of office equipment, motor vehicle equipment and other equipment which have an appreciable and calcuable period of usefulness in excess of one year; (d) "automotive equipment purchases" shall mean those items of motor vehicle equipment only and the money appropriated therefor shall be expended only for such purposes. The amounts herein appropriated for "equipment purchases" and "automotive equipment purchases" shall be decreased by the amount of the sale, trade-in or exchange of the items of equipment purchases and automotive equipment purchases as described in Section 1 (c) and (d) hereof. Provided, however, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

Section 2. The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1976, and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 3, Chapter 4, Title 55 of the Code of Alabama 1940) and shall be in the amounts specified in said sections.

Section 3. STATE BOARD OF EDUCATION:

| | | | |
|---|---|---|---|
| A. | For Adult Basic Education: | | |
| | To be used to match Federal Funds for a removal of illiteracy program | | 300,000.00 |
| B. | Athens College: | | |
| | Operation and maintenance | | 1,000,000.00 |
| C. | Civil Defense Survival Plan: | | |
| | For salaries and other expenses only, in the operation of the Civil Defense Plan | | 17,000.00 |
| D. | Civilian Rehabilitation: | | |
| | For the vocational rehabilitation of handicapped individuals | 4,860,000.00 | |
| | For the Governor's Committee on Employment of Handicapped | 40,000.00 | |
| | For Medical Services, adjustment training and attendant care for paraplegics and quadraplegics | 800,000.00 | |
| | Total | | 5,700,000.00 |
| E. | For Compact for Education (To be expended in accordance with Act No. 1143, 1969 Regular Session.) | | 15,750.00 |
| F. | Coordination of In-School Television Program: | | |
| | For salaries | 80,000.00 | |
| | For other expenses | 19,000.00 | |
| | For equipment purchases | 1,000.00 | |
| | Total | | 100,000.00 |
| G. | For Driver Education, School Bus Driver Training and Vehicle Safety Inspection: | | |
| | For salaries | 218,000.00 | |
| | For other expenses | 80,000.00 | |
| | For equipment purchases | 4,000.00 | |
| | Total | | 302,000.00 |

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| H. | For Driver Education | | 4,415,000.00 |
| I. | Drug Education Program: | | |
| | For the necessary education on drug abuse | | 163,625.00 |
| J. | DEPARTMENT OF EDUCATION: | | |
| | (a) For the Department of Education: | | |
| | For the salary of the State Superintendent, Estimated | 40,000.00 | |
| | For other salaries | 1,036,992.00 | |
| | For other expenses | 160,000.00 | |
| | For rental expense | 475,000.00 | |
| | For equipment purchases | 20,000.00 | |
| | For transfer to State Personnel Department | 30,800.00 | |
| | Total | | 1,762,729.00 |
| | (b) For the "Right To Read Program" | | 50,000.00 |
| | (c) For operation of the Teacher Certification Program | | 200,000.00 |
| | (e) For Legal Reference Manuals for all Local School Boards | | 25,000.00 |
| | (f) For the City and County School Systems which participate in the Pilot Program of Educational Program Management Budgeting. The Systems participating shall be eligible upon certification by the Alabama Education Study Commission to the State Department of Education of the systems participating in this Pilot Program. All monies not used for this purpose shall revert to the Alabama Special Educational Trust Fund | | 70,000.00 |
| | (g) Regional Education | | 160,000.00 |
| | (h) For the Kindergarten Pilot Program | | 500,000.00 |
| K. | Elementary Teachers Scholarship Fund | | 25,000.00 |
| L. | Free Textbooks: | | |
| | For salaries | 63,332.00 | |
| | For other expenses | 40,000.00 | |
| | For disbursements to local Boards | 62,250.00 | |
| | For equipment purchases | 1,000.00 | |
| | For the repair of used and the purchase of new textbooks | 6,318,418.00 | |
| | For operation of Course Study Commission | 15,000.00 | |
| | Total | | 6,500,000.00 |

In either the 8th or 9th grade in every school system in this state, there shall be taught for one school year a course in Alabama Government, which course shall include City and County Governments in Alabama, the State Government of Alabama, including organization, duties and functions at city, county and state governmental levels, as well as their respective relationships with the Federal Government and its powers.

M. Alabama School of Fine Arts:

For operation and maintenance ..... 300,000.00

O. Junior College Equilization Account:

For operation and maintenance of the Junior Colleges listed below, to be distributed on a formula adopted by the State Board of Education ..... 28,437,100.00

(The above appropriation is to be distributed to the following Junior Colleges: (1) Alexander City State Junior College; (2) S. D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George Corley Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College.)

Of the amount appropriated to the Junior College Equalization Account, the sum of $575,000.00 shall be distributed to the Wallace Community College at Hanceville, Alabama.

Of the above appropriations contained herein in Section 3, paragraph O not more than the sum of $200,000.00 may be used by the State Board of Education for administration of the state junior college program.

Of the above amount appropriated to S. D. Bishop State Junior College, $35,000.00 shall be expended for the operation of the School of Mortuary Science.

Q. Of the amount above beginning with the fiscal year 1975-76 in addition to the salary received and all salary schedule increments due, all professional staff employed shall receive an increase of not less than twelve and seven-hundredths per centum (12.07%) of the state junior college salary schedule for the school year 1974-75.

R. To supplement federal funds available under the provisions of the Comprehensive Employment and Training Act ..... 350,000.00

S. Minimum Program Fund:

(a) In addition to all other funds appropriated for the public elementary and high schools of the State, there is hereby appropriated to the State Board of Education for the fiscal year ending September 30, 1976, the sum of $353,435,100.00 to be known as the Minimum Program Fund, which in accordance with the statutes and regulations of the State Board of Education relating to the expenditure of such fund, shall be used for providing a minimum term and for the equalization of educational opportunity in the public schools of the State; provided, that so much thereof as may be necessary of the above appropriations shall be used by the State Board of Education to provide for additional teacher units for each school system in the State which on the basis of current school attendance shall be entitled to additional teacher units over the number allowed based on the year immediately preceding said current year, provided further, that in no case shall a term of less than nine months in tax districts be approved, except that the State Board of Education, upon the recommendation of the State Superintendent of Education shall be authorized to make full allotments of funds to any school system for the time actually taught, if in the judgment of the State Superintendent of Education and the State Board of Education unusual conditions beyond the control of the local Board of Education in any school are such as to prevent the operation of that school for the required nine months minimum term; provided further, that the amount herein appropriated for the Minimum Program Fund shall include all monies earmarked for public school teachers' salaries as provided in the Income Tax Amendment ratified on the 26th day of August, 1947. The Minimum Program Fund shall also include any other appropriations of funds, either State or Federal, which may be designated by the Legislature as a part of the Minimum Program Fund.

(b) It is provided that from the appropriation hereinabove made the State Board of Education shall allocate and pay from said appropriation not less than three hundred fifty-five (355) additional teacher units for the program for exceptional children over and above the current allocation. Twenty-five (25) of the teacher units appropriated may be used in early education programs for exceptional children and twenty-five (25) teacher units may be used in regional multi-system, and/or state-wide programs for exceptional children. Anything to the contrary notwithstanding, no additional teacher units may be used for administration personnel.

(c) All special education units other than the early childhood and multi-system units, and units to reduce the number of pupils in grades 1-3 shall be allocated to local school systems on the basis of enrollment. Units earned by a system on this basis which are not used by such system may not be reallocated to other systems except those units necessary to guarantee school systems not less than the number of units allocated to them during the 1974-75 school year. Unallocated units shall remain earmarked for the systems designated for use during subsequent fiscal years.

(d) Two hundred and fifty dollars ($250) per teacher unit for grades K-6 and three hundred dollars ($300) per teacher unit for grades 7-12 is herein appropriated to the State Board of Education for all teachers employed (except ESEA Title I and Title III teachers and ESAA teachers) and shall be allocated to each county and city board of education for the purchase of instructional supplies, materials, and equipment, excluding furniture and fixtures. Each local county and city board of education shall allocate to the schools in their respective systems an amount as set forth hereinabove for each teacher unit in such school

provided from funds from the State. The faculty and principal of each school shall recommend to the superintendent the amount to be allocated to each school and teacher for the operation of the instructional program within the school. The local school board shall determine the allocation to each school and teacher, approve or disapprove requisitions for purchases from these funds, and shall issue purchase orders and handle all financial transactions in compliance with this section. It is the intent of the legislature that no fees shall be collected in the future in courses required for graduation. In non-required courses local school boards may set reasonable fees for courses requiring laboratory and shop materials and equipment; provided, however, such fees shall be waived for students who cannot afford to pay the fees. This section shall not be construed to prohibit community groups or clubs from fund raising activities; provided, however, that students shall not be required to participate in such fund raising activities. Provided further, it is the intent of the Legislature that no local school board shall reduce the amount of funds which it allocated for the 1974-75 school year for the purchase of instructional materials and supplies. There is hereby appropriated in addition to that above the sum of $10,029,700.00.

(e) It is provided that beginning with the fiscal year 1975-76 that in addition to the salary now received, and all other local increment due, all teachers under the Minimum Program shall receive a salary increase as follows: AA teachers not less than twelve hundred thirty-two dollars (1232) per annum; Rank I teachers not less than one thousand one hundred sixty dollars ($1,160) per annum; Rank II teachers not less than one thousand dollars ($1,000) per annum; Rank III teachers not less than one thousand dollars ($1,000) per annum; Rank IV teachers not less than one thousand dollars ($1,000) per annum. Any county or city board of education failing to comply herewith shall not be entitled to participate in the Minimum Program Fund. All school bus drivers shall receive a salary increase of not less than twelve per centum (12%) per annum, and any county or city board of education failing to comply herewith shall not be entitled to share in the Minimum Program Fund.

It is provided that in addition to all units earned by the local school system under the Minimum Program Fund calculation one (1) extra unit or fraction thereof shall be awarded for each aggregate of fifteen (15) units or fraction thereof earned in said Minimum Program Fund calculation including regular, and special education units. The local school system shall assign to each school within the system at least the number of teacher units earned by that school using the Minimum Program Fund calculation and the additional units earned through the one (1) to fifteen (15) ratio as set forth herein. No school system may reduce during the school year the number of teachers it employed with the local funds during the school year 1974-75 except in instances where all schools within the system are accredited or have met every requirement of accreditation with respect to teacher/pupil ratios. The local school system shall furnish the State Department of Education such information as may be necessary to determine that the provisions of this section have been implemented.

(f) In addition to the appropriation hereinabove made to the Minimum Program, there is hereby appropriated funds for two (2) days personal leave at $17.00 per teacher unit for each teacher earned under the Minimum Program formula to be granted upon request of the teacher and administered by the State Board of Education and by local school boards under procedures governing sick leave for the fiscal year ending September 30, 1976, the sum of $1,138,218.00.

(g) In addition to the appropriation hereinabove made to the Minimum Program (sub-section S) and Vocational Education (sub-section

AA) and Driver Education (sub-section H) in grades 1-12, there is hereby appropriated the sum of Two Hundred Sixteen Dollars ($216.00) per annum per teacher, administrative or supervisory unit as located under the Minimum Program, Vocational Education Program and any other units paid from State or local funds to provide hospital-medical insurance assistance.

Provided further that any professional employee eligible for hospital-medical assistance who may be subject to coordination of benefits because of their coverage for hospital-medical assistance by carrier other than those selected under this act, be protected from such coordination of benefits to the extent provided by regulation No. 56 of Alabama Department of Insurance. It being the intent of this appropriation to provide hospital-medical insurance assistance to those qualified professional employees in the amount set forth in this appropriation and such insurance coverage not to be subject to coordination of benefits.

These funds shall be made available to local boards of education with a majority of the local participating professional employees selecting the plan(s) and the carrier(s) of the hospital-medical insurance in that system. Any funds not used in the fiscal year shall revert to the Alabama Special Educational Trust Fund. There is hereby appropriated the sum of $7,231,032.00 for the fiscal year ending September 30, 1976, for the purpose of carrying out the provisions of this sub-section.

(h) In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

The amount necessary for the payment of Board of Adjustment awards in accordance with the Minimum Program statutes and regulations.

For "Other Current Expenses" a sum not to exceed $1,543.43 for each earned teacher unit.

For Principal Supplement the sum shall not exceed $72.00 for each earned teacher unit.

For Capital Outlay the sum shall not exceed $64.87 for each earned teacher unit.

Sick leave days shall be paid at the rate of $17.00 per day. The salary allotment shall be made in accordance with the schedule set out herein above.

The above appropriation contained in sub-section (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of $22,866,490.00.

The appropriation herein above set out for the fiscal year 1975-76 in the amount of $371,834,050.00 is based on 30,573 teacher units.

It is provided that in the event there are more than 30,573.00 earned teacher units in the fiscal year 1975-76, then such amounts as are necessary to pay for these excess teacher units is hereby appropriated.

It is further provided that in the event that there be less earned teacher units than those set above than the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid out.

(i) In addition to teacher units allocated above, it is further provided that 300 additional regular teacher units shall be made available for allocation in grades 1-3 of the county and city school systems for the fiscal year ending September 30, 1976. It is the intent of the legislature that priority be given to reduction of class size in grades 1-3, therefore the Alabama Education Study Commission and the State Department of Education shall have the authority to insure that the intent of the legislature is implemented. Any teacher units allocated under the provisions of this section shall be used in grades 1-3 unless the pupil-teacher ratio of 25-1 has already been achieved. In such event, the units may be used in grades 4-6.

(j) In addition to all other teacher units allocated to Jackson County, it is further provided that one vocational agricultural teacher unit and one home economics teacher unit be allocated to Skyline High School and one vocational agricultural teacher unit and one home economics teacher unit be allocated to North Sand Mountain High School.

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| T. | Minimum Program Account:<br>Trainable Retarded Children:<br>For the administration of a program for exceptional children and youth | | 426,812.00 |
| | The appropriation hereinabove made shall be expended by the State Board of Education for the cost incurred by the State Department of Education in the administration of this program. The appropriation for Special Education is the same appropriation as set out in Act No. 67, approved June 27, 1963, and shall be expended in accordance with that Act. | | |
| U. | National Defense Education Program | | 275,000.00 |
| V. | Physical Restoration of Crippled Children (Crippled Children's Service):<br>For salaries | 450,000.00 | |
| | For Handicapped Individuals | 2,800,000.00 | |
| | Total | | 3,250,000.00 |
| W. | To the Department of Education for Plans and Surveys:<br>For salaries | 56,000.00 | |
| | For other expenses | 16,500.00 | |
| | Total | | 72,500.00 |
| X. | To the Department of Education for transfer to the State Telephone Revolving Fund | | 859,512.00 |
| XX. | State Tenure Commission:<br>For expense of operation | | 5,000.00 |
| Y. | (a) Vocational Education:<br>For salaries | 75,000.00 | |
| | For other expenses | 37,150.00 | |

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| For rental expense | 9,529.00 | |
| For equipment purchases | 1,500.00 | |
| Distributions to local boards and institutions | 28,812,220.00 | |
| Total | | 28,935,399.00 |

Of the amount listed above for the distribution to local boards of education beginning with the fiscal year 1975-76 in addition to the salary received and all salary increments due, all vocational teachers shall receive a salary increase of not less than twelve and seven hundredths per centum (12.07%) of the state vocational salary schedule for the school year 1974-75.

The appropriation hereinabove shall be disbursed or obligated in accordance with a formula adopted by the State Board of Education. The total allocation of vocational teacher units to each county and city board of education shall be at least equal to the number received by the respective board during the preceding fiscal year, and in addition thereto, a sum equal to the percentage equivalency based on months of employment, provided for in the minimum program salary increase contained in Section 3, paragraph Y (a).

In the event proration should become necessary due to the loss of Federal Vocational Funds, each local board shall be reduced by his prorata share under the adopted State Board of Education formula.

Any funds appropriated hereinabove in excess of the preceding fiscal year's distribution and in excess of the percentage salary equivalency under the Minimum Program provision shall be allocated by priorities to those boards that have less than their entitlement.

Funds appropriated hereinabove shall not be expended by the State Department of Education, local boards of education or institutions for contractual services to private profit agencies, organizations and institutions except for the purposes of the renovations, repair and rental of buildings and equipment.

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| (b) Vocational Education: | |
| For Pilot Agribusiness centers for personnel, equipment, facilities, and supplies for demonstration farm projects | 400,000.00 |
| (c) Vocational Education: | |
| For Industrial Development Training; to be used for industrial purposes only | 1,550,000.00 |
| (d) Walker State Technical College | 200,000.00 |
| Z. State Vocational Technical School Equalization Account: | |
| For the operations and maintenance of the Vocational Technical Schools listed below, to be distributed in accordance with a formula adopted by the State Board of Education | 21,936,000.00 |

Of the amount above beginning with the fiscal year 1975-76 in addition to the salary received and all salary schedule increments due, all professional staff employed shall receive an increase of not less than

twelve and seven-hundredths per centum (12.07%) of the state vocational-technical salary schedule for the school year 1974-75.

(The above appropriation is to be distributed to the following Vocational Technical Schools: (1) Atmore State Technical Institute; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College-Technical Branch; (7) Carver State Technical Trade School; (8) J. F. Drake State Technical College; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Vocational School; (12) Theodore A. Lawson State Community College-Technical Branch; (13) Douglas MacArthur State Technical College; (14) Muscle Shoals Technical Institute; (15) Northwest Alabama State Technical College; (16) N. F. Nunnelley State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncey Sparks State Technical College; (23) Councill Trenholm State Technical College; (24) Tuscaloosa State Technical College; (25) Walker County State Trade School; (26) George Corley Wallace State Community College-Technical Branch (Selma); (27) George C. Wallace State Community College-Technical Branch (Dothan); (28) George C. Wallace State Technical Community College (Hanceville).)

Of the above appropriations contained herein in Section 3, paragraph Z not more than the sum of $200,000.00 may be used by the State Board of Education for administration of the Vocational Technical School Program.

AA. BOARD OF TRUSTEES OF THE AGRICULTURAL AND MECHANICAL UNIVERSITY:

For the operation and maintenance of the University ..... 6,194,000.00

BB. BOARD OF TRUSTEES OF ALABAMA STATE UNIVERSITY OF MONTGOMERY:

For the operation and maintenance of the University of Montgomery ..... 5,414,000.00

Section 4. BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA:

A. The University:

(1) For operation and maintenance ..... 26,350,000.00

(2) Gadsden Cooperative Upper Division Program ..... 160,000.00

(3) For Emotionally Disturbed Children ..... 362,000.00

(4) College of Community Health Sciences ..... 1,500,000.00

(5) For Public Service, Research and Extension ..... 1,516,000.00

(6) For Nursing Scholarships ..... 18,000.00

(7) Psychology Department ..... 100,000.00

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| (8) School of Nursing: | |
| For operation and maintenance | 200,000.00 |
| (9) Mine Resources Institute | 200,000.00 |
| (10) Museum of Natural History—Moundville State Park | 126,000.00 |
| (11) Family Practice Clinics | 375,000.00 |
| (12) Vocational Education Teacher Training | 100,000.00 |
| B. The University—Birmingham: | |
| (1) For the University College: | |
| Operation and maintenance | 9,655,000.00 |
| (2) For the School of Community and Allied Health Resources | 1,123,000.00 |
| (3) For the School of Dentistry: | |
| For operation and maintenance | 5,000,000.00 |
| (4) For Diabetes Clinics: | |
| For operation and maintenance | 250,000.00 |
| (5) For Extension, Public Service and Research | 500,000.00 |
| (6) Urology Department: | |
| Treatment, Research and Development | 400,000.00 |
| (7) Regional Technical Institute: | |
| For operation and maintenance | 1,034,000.00 |
| (8) For Joint Health Science Program: | |
| For operation and maintenance | 1,280,000.00 |
| (9) For Center for Labor Education and Research | 250,000.00 |
| (10) For Medical School: | |
| (a) For operation and maintenance | 9,132,000.00 |
| (b) For operation and maintenance of Medical Information Service via Telephone | 100,000.00 |
| (c) For Department of Pediatrics | 300,000.00 |
| (11) For Lurleen B. Wallace Cancer Program: | |
| For operation and maintenance | 250,000.00 |
| (12) For School of Nursing: | |
| For operation and maintenance | 1,644,000.00 |
| (13) For School of Nursing—Scholarships | 88,400.00 |
| (14) For Student Nurses—Loan Fund | 12,000.00 |

(15) For School of Optometry:

For operation and maintenance ..... 1,000,000.00

(16) For the University Hospital and Clinics ..... 2,100,000.00

(17) Spinal-Cord Injury Program ..... 175,000.00

(18) For Family Residency Program:

(a) Anniston ..... 200,000.00

(b) Florence ..... 200,000.00

(c) Jefferson County ..... 200,000.00

(d) Tuscaloosa ..... 200,000.00

(e) Montgomery ..... 200,000.00

(f) Heflin ..... 50,000.00

(19) For construction and renovation at Diabetes Research and Education Hospital in Birmingham ..... 1,000,000.00

C. The University—Huntsville:

(1) For operation and maintenance ..... 4,356,000.00

(2) (a) For School of Medicine (School of Primary Medical Care) ..... 1,900,000.00

(b) For Ambulatory Care Center ..... 350,000.00

(3) For Division of Nursing—Scholarships ..... 18,000.00
(To be expended in accordance with Act No. 2290, 1971 Regular Session.)

(4) Environmental Science Center ..... 250,000.00

(5) Motor Vehicle Research Center (1.6% State Cost-Grant) ..... 50,000.00

(6) School of Nursing ..... 600,000.00

Section 5. BOARD OF TRUSTEES OF AUBURN UNIVERSITY:

A. The College:

(1) For operation and maintenance ..... 26,605,000.00

(2) Engineering Experiment Station ..... 475,000.00

(3) Television Education ..... 300,000.00

(4) Center for Vocational and Adult Teacher Education (The funds provided in sub-section (4) shall be used for the support of undergraduate and graduate teacher education, research, and in-service extension activities in vocational, technical and adult education ..... 500,000.00

(5) Psychology Department ..... 100,000.00

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| (6) Wildlife Research Unit | 50,000.00 |
| (7) Public Service, Research & Extension | 400,000.00 |

E. Agriculture Research:

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| Alabama Agriculture Experiment Station at Auburn, for work and experimentation | 5,460,000.00 |

That all research work and experimentation comtemplated by the spirit and purpose of this sub-section (b) shall be carried out under the supervision of the Director of the Agricultural Experiment Station System and the President of Auburn University, who shall make a complete report to the Board of Trustees of Auburn University for the fiscal year ending September 30, 1976.

The funds provided in this sub-section (c) shall be used for the support of researchers, experiments and investigations bearing upon and relating to the production, marketing, manufacturing, use and distribution of agricultural crops and products; for the production; marketing and curing of all kinds of livestock and livestock products that may be sold from or consumed on the farms of Alabama; for the production, culture, and use of pasture plants for the establishment, care, use and management of pastures; for the testing of all kinds of hay, food, and forage crops, including those that may be used for lawns and other sod crop purposes; for the testing of varieties of crops, including soil adaption and improvement; for the testing of fertilizers and fertilizer materials on the various soils and for various crops; for the production, marketing, storage, and curing of fruit, nut and vegetable crops; for the study of plant and animal disease and insect pests; for researchers and experiments dealing with forest production, management and use; for researchers dealing with soil erosion and problems arising from the waste of land due to soil erosion, for researchers to discover new uses of land; for the provisions of necessary land, buildings, fencing livestock and other physical equipment needed for the research work herein provided for; for researchers in game and fish production; provided, however, that any researchers in game and fish production shall be in cooperation with or upon the advice of the Director of Conservation, so that there may be complete coordination between the work of the Alabama Agricultural Experiment Station and that of the State Department of Conservation; as future changing agricultural conditions may demand, for researches and experiments on other similar important agricultural and economic problems having for their object the development of a more permanent, profitable and diversified agriculture; and for the printing of the necessary bulletins, circulars, etc., in order that the citizens of Alabama may be acquainted with the results of said research.

C. Extension Work for Agriculture and Home Economics:

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| For advising, demonstrating and informing people of Alabama in agricultural, farm and home pursuits, and other extension services | 5,930,000.00 |
| For payment of Employees Retirement in accordance with Act No. 697, 1975 Regular Session | 500,000.00 |

The appropriation herein made for the Extension Service shall be expended by the direction of the Board of Trustees of Auburn University through its Extension Service and shall be done in such manner as to make available the maximum amounts of aid from the Federal government.

D. Auburn University—Montgomery:

| | |
|---|---|
| For operation and maintenance | 4,410,000.00 |
| For Montgomery Area Community Health Sciences Institute | 110,000.00 |

Section 6. BOARD OF TRUSTEES OF JACKSONVILLE STATE UNIVERSITY:

| | |
|---|---|
| For operation and maintenance | 7,307,000.00 |
| For School of Nursing Scholarships (To be expended in accordance with Act No. 2288, 1971 Regular Session) | 18,000.00 |
| For Gadsden Program | 245,000.00 |

Section 7. BOARD OF TRUSTEES OF LIVINSTON UNIVERSITY:

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|---|---|
| For operation and maintenance | 2,475,000.00 |
| For School of Nursing Scholarships | 18,000.00 |

Section 8. BOARD OF TRUSTEES OF UNIVERSITY OF MONTEVALLO:

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|---|---|
| For operation and maintenance | 4,218,000.00 |
| For Speech and Hearing Clinic | 150,000.00 |
| For operation and maintenance of a Highway Safety Program | 110,000.00 |

Section 9. BOARD OF TRUSTEES OF UNIVERSITY OF NORTH ALABAMA:

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|---|---|
| For operation and maintenance | 5,000,000.00 |
| For School of Nursing Scholarships (To be expended in accordance with Act No. 2304, 1971 Regular Session) | 18,000.00 |

Section 10. BOARD OF TRUSTEES OF THE UNIVERSITY OF SOUTH ALABAMA:

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|---|---|
| (a) For operation and maintenance | 7,442,000.00 |
| (b) For Coordinate College for Health Professions | 542,000.00 |
| (c) For operation and maintenance of a College of Medicine | 5,650,000.00 |
| (d) For Family Residency Program—Baldwin County | 200,000.00 |
| (e) For Nursing Scholarships (To be expended in accordance with Act No. 2302, 1971 Regular Session) | 18,000.00 |
| (f) For Teaching Hospital (For unrestricted support of health professions education conducted in the University Hospital and clinics) | 850,000.00 |

Section 11. BOARD OF TRUSTEES OF TROY STATE UNIVERSITY:

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|---|---|
| (a) For operation and maintenance | 5,204,000.00 |
| (b) For operation and maintenance of Troy State University at Montgomery | 165,000.00 |
| (c) For operation and maintenance of Troy State University at Fort Rucker-Dothan | 165,000.00 |
| (d) For School of Nursing-Scholarships (To be expended in accordance with Act No. 2292, 1971 Regular Session) | 36,000.00 |
| (e) For Public Service Research and Extension | 200,000.00 |

Section 12. BOARD OF TRUSTEES OF ALABAMA INSTITUTE FOR DEAF AND BLIND:

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|---|---|
| (a) For operation and maintenance. | 2,960,000.00 |
| (b) For operation and maintenance of the Dept. of Adult Blind and Deaf | 1,255,139.69 |
| (c) For operation and maintenance of the State Library for the Blind | 60,000.00 |

(d) Of the amounts listed above it is provided that in the fiscal year 1975-1976 that in addition to the salary now received and all salary increments due, all non-vocational certificated employees shall receive a salary increase as follows: AA teachers not less than twelve hundred thirty-two dollars (1232) per annum; Rank I teachers not less than one thousand one hundred sixty dollars ($1,160) per annum; Rank II teachers not less than one thousand dollars ($1,000) per annum; Rank III teachers not less than one thousand dollars ($1,000) per annum; Rank IV teachers not less than one thousand dollars ($1,000) per annum. Further, in addition to salary now received and all salary increments due, all vocational teachers shall receive a salary increase of not less than twelve and seven hundredths per centum (12.07%) of the state vocational salary schedule for the school year 1974-75.

Also each certificated employee shall be allowed two hundred sixteen dollars ($216) to provide hospital-medical insurance assistance. A majority of the participating professional employees shall select the plan (s) and the carrier (s) of the hospital-medical insurance."

Section 13. DEBT SERVICE:

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|---|---|
| (1) For the payment of principal and interest due on bonds issued by Auburn University (Alabama Polytechnic Institute) pursuant to Constitutional Amendment No. CXX | 308,760.00 |
| (2) For the payment of principal and interest due on bonds issued by the University of Alabama pursuant to Constitutional Amendment No. CXIX | 308,760.00 |

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| (3) For the payment of principal and interest due on bonds issued by the University of Alabama Research Institute pursuant to Constitutional Amendment No. CLVII | | 207,025.85 |
| (4) Interest on Endowments: | | |
| For interest on University of Montevallo (Alabama College) Endowment, Estimated | 44,000.00 | |
| For interest on Auburn University Endowment | 20,280.00 | |
| For interest on University of Alabama Endowment | 61,000.00 | |
| For interest on Grove Hill Endowment | 600.00 | |
| For interest on Public School Fund Endowment: | | |
| Interest on 16th Section lands, Estimated | 285,000.00 | |
| Interest on School Indemnity lands, Estimated | 67,135.81 | |
| Interest on Valueless 16th Section lands | 5,825.47 | |
| Interest on Surplus Revenue | 26,763.47 | |
| Interest on James Wallace Fund | 275.25 | |
| Total | | 510,880.00 |

Section 14. BOARD OF DENTAL SCHOLARSHIP AWARDS:

For Dental Scholarships at the University of Alabama School of Dentistry or any other dental school accredited by the Council of Dental Education of the American Dental Association ..... 83,000.00
(To be expended under the provisions of Act No. 792, 1965 Regular Session)

Section 15. EDUCATION OF DEPENDENTS OF BLIND PARENTS:

For reimbursement of every State Institution of Higher Learning, College, Uni-

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| | versity, or State Trade School or Junior College, in which benefits are given to dependents of blind parents under the provisions of Act No. 261, 1966 Special Session, Estimated | | 6,930.00 |
| Section 16. | ALABAMA EDUCATION STUDY COMMISSION: | | |
| | To be used for educational studies in accordance with Act No. 15, 1969 Special Session: | | |
| | For salaries, other expenses and equipment purchases | | 205.000.00 |
| Section 16a. | COMMISSION ON HIGHER EDUCATION: | | |
| | For salaries and other expenses: (To be expended in accordance with Act No. 14, 1969 Special Session) | | 200,000.00 |
| Section 17. | ALABAMA EDUCATIONAL TELEVISION COMMISSION: | | |
| | For salaries | 714,000.00 | |
| | For other expenses | 500,000.00 | |
| | For equipment purchases | 241,000.00 | |
| | For automotive equipment purchases | 10,000.00 | |
| | For programming | 375,000.00 | |
| | Total | | 1,840,000.00 |
| Section 18. | DEPARTMENT OF PUBLIC HEALTH: | | |
| | For transfer to the Department of Health: | | |
| | For Immunization of Pre-School and students | 250,000.00 | |
| | For Public School Food Sanitation Program | 250,000.00 | |
| | Total | | 500,000.00 |
| Section 19. | Pike County Family Practice Clinic for operation and maintenance of a Family Practice Clinic in Pike County (Provided that the aforesaid Family Practice Clinic shall be operated by either the Family Residency Program of the University of Alabama at Birmingham, or by the Family Residency Program of the University of South Alabama, or jointly by both Universities. | | 200,000.00 |

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| Section 20. | MARINE ENVIRONMENTAL CONSORTORIUM: | |
| | For operation and maintenance | 325,000.00 |
| Section 21. | MEDICAL SCHOLARSHIPS BOARD: | |
| | For Medical Scholarships at the University of Alabama Medical School (To be expended under the provisions of Act No. 278, 1965 1st Special Session) | 135,000.00 |
| Section 22. | MONTGOMERY INSTITUTE FOR NEUROLOGICAL DEVELOPMENT | 25,000.00 |
| Section 23. | ALABAMA PUBLIC LIBRARY SERVICE: | |
| | State Aid to Counties | 650,000.00 |
| Section 24. | SOCIAL SECURITY: | |
| | For State's share of Social Security, Estimated | 28,000,000.00 |
| Section 25. | SYLACAUGA NURSES TRAINING SCHOOL: | |
| | For operation and maintenance | 40,000.00 |
| | For School of Nursing Scholarships (To be expended in accordance with Act No. 2393, 1971 Regular Session) | 18,000.00 |
| Section 26. | BOARD OF CONTROL OF THE TEACHERS' RETIREMENT SYSTEM: | |
| | For Teachers' Retirement System, Estimated | 90,000,000.00 |
| | The above appropriation shall be expended in accordance with the statutes and regulations now or hereafter existing relating to the expenditure of such Teachers' Retirement Fund. | |
| | For Teachers' Special Pension Fund, Estimated | 4,000,000.00 |
| Section 27. | VETERANS EDUCATION BENEFITS: | |
| | For reimbursment to every State Institution of Higher Learning, College, University, or State Trade School or Junior College, in which benefits are given to veterans, their wives, widows, or children under the provision of Act No. 767, 1965 Regular Session, Estimated | 900,000.00 |
| Section 28. | JOHN M. WILL MEMORIAL SCHOLARSHIP FOUNDATION | 1,000.00 |

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| Section 29. | YOUTH SERVICES BOARD: | | |
| | For operation and maintenance | | 5,100,000.00 |
| | For salaries of Probation Officers (To be expended in accordance with Act No. 816, 1973 Regular Session) | | 950,000.00 |
| | Youth Services Board—For Administration | | 400,000.00 |
| Section 30. | BIRMINGHAM TRAINING CENTER FOR BRAIN INJURED | | 29,100.00 |
| Section 31. | ALABAMA LAW INSTITUTE FOR LIBRARY BOOKS | | 64,000.00 |
| Section 32. | ALABAMA LEARNING RESOURCES CENTER (Instructional Materials Center) | | 60,000.00 |
| Section 33. | COMMISSION ON PHYSICAL FITNESS: | | |
| | For salaries | 48,300.00 | |
| | For other expenses | 13,200.00 | |
| | For equipment purchases | 500.00 | |
| | Total | | 62,000.00 |
| Section 34. | PUBLIC LIBRARY SERVICE: | | |
| | For salaries | 114,000.00 | |
| | For other expenses | 28,000.00 | |
| | For books and periodicals | 36,000.00 | |
| | Total | | 178,000.00 |
| Section 35. | ALABAMA LAW INSTITUTE | | 125,000.00 |
| Section 36. | ALABAMA LAW ENFORCEMENT PLANNING AGENCY: | | |
| | For operation and maintenance of a law enforcement academy at Troy State University | 55,000.00 | |
| | For operation and maintenance of a law enforcement academy at Jacksonville State University | 55,000.00 | |
| | For operation and maintenance of a law enforcement academy at John C. Calhoun Junior College | 55,000.00 | |

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| For operation and maintenance of a law enforcement academy at Jefferson State Junior College | 55,000.00 | |
| Total | | 220,000.00 |
| Section 37. WALKER COUNTY BOARD OF EDUCATION: | | |
| For the use of the Sumiton Elementary | | 500,000.00 |
| Section 38. HENRY COUNTY BOARD OF EDUCATION: | | |
| For capital outlay purposes | | 300,000.00 |
| Section 39. BIRMINGHAM CITY BOARD OF EDUCATION: | | |
| For Speech and Hearing Clinic | | 100,000.00 |
| Section 40. WINFIELD CITY BOARD OF EDUCATION: | | |
| For Capital Outlay | | 300,000.00 |
| Section 41. MORGAN COUNTY BOARD OF EDUCATION: | | |
| Falkville High School | | |
| For the construction of a gymnasium | | 300,000.00 |
| Section 42. BIRMINGHAM SYMPHONY ASSOCIATION, INC. | | 100,000.00 |
| (To be used for the support and maintenance of an expanded statewide music education program by the official Symphony of the State of Alabama for the young people in the primary and secondary schools and to be expended with the advice of a committee composed of the State Superintendent of Education and four persons appointed by him and the President of the Birmingham Symphony Association and four persons appointed by him.) | | |
| Section 43. ARAB CITY BOARD OF EDUCATION | | 450,000.00 |
| Section 44. STATE BOARD OF EDUCATION: | | |
| For additional construction and equipping of the Atmore State Technical Institute | | 228,000.00 |
| Section 45. LOWNDES COUNTY BOARD OF EDUCATION: | | |
| For construction and equipping a burned school in Lowndes County | | 300,000.00 |

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| Section 46. | LAUDERDALE COUNTY BOARD OF EDUCATION: | |
| | For capital outlay purposes for Central School | 380,000.00 |
| Section 47. | BULLOCK COUNTY SCHOOL BOARD: | |
| | For burned out school buildings | 250,000.00 |
| Section 48. | MACON COUNTY SCHOOL BOARD: | |
| | For burned out school buildings | 250,000.00 |
| Section 49. | PERRY COUNTY BOARD OF EDUCATION: | |
| | For capital outlay purposes for the school located in Heiberger Community | 300,000.00 |
| Section 50. | THE ALABAMA POST-SECONDARY 1202 COMMISSION: | |
| | For the Alabama Student Assistance Program | 350,000.00 |
| Section 51. | ALABAMA PEACE OFFICERS AND STANDARDS TRAINING COMMISSION | 50,000.00 |
| Section 52. | GADSDEN CITY BOARD OF EDUCATION: | |
| | For Capital Outlay | 300,000.00 |
| Section 53. | CHILTON COUNTY BOARD OF EDUCATION: | |
| | For Capital Outlay | 450,000.00 |
| Section 54. | ALABAMA FIREFIGHTERS PERSONNEL STANDARDS EDUCATION COMMISSION | 30,000.00 |
| Section 55. | ALABAMA COUNCIL ON THE ARTS AND HUMANITIES | 150,000.00 |
| Section 56. | COVINGTON COUNTY BOARD OF EDUCATION: | |
| | For construction and equipment purchases at Red Level Grammar School | 450,000.00 |

Section 57. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds provided for in this Act, whereupon the Comptroller, shall issue his warrant therefor; provided, that all appropriations and funds made available to the University of Montevallo, the University of Alabama, the University of South Alabama, Auburn University, the Institute for the Deaf and Blind, the Youth Services Board, the Alabama Educational Television Commission, Teachers' Retirement System, University of North Alabama, Jacksonville State University, Livingston State University, Troy State University, Agricultural and Mechanical University, Alabama State University and the

State Social Security Board by the provisions of this Act shall be paid by request to the Comptroller made in the manner now provided by law.

Section 58. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act, or all or any portion of any appropriation or appropriations herein made, be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision, or portion of this Act, or any other appropriation or portion thereof made not in and of itself unconstitutional or invalid.

Section 59. This Act shall become effective on October 1, 1975.

MINORITY REPORT

I, the undersigned, a minority of the Conference Committee appointed to reconcile the disagreement of the two Houses concerning House Bill 9, have met with the other conferees and hereby file the following as a minority report:

1) Substitute the enclosed for House Bill 9.

WALTER OWENS

SYNOPSIS: To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1976.

A BILL
TO BE ENTITLED
AN ACT

Be It Enacted by the Legislature of Alabama:

Section 1. That for the purpose of this Act, the following classifications, definitions and restrictions shall be applicable: (a) "salary" and "other salaries", wherever appearing herein, shall mean the wages or other compensation for skill, work or employment for anyone performing services for the State of Alabama as an employee, officer or official, and shall be expended only for such purposes; (b) "other expenses" shall mean the operating costs of agencies, departments, boards, bureaus and institutions of the State, other than salaries and equipment purchases and shall be expended only for operating costs incident to the normal operations of such agencies, departments, boards, bureaus and institutions, including supplies and materials, postage, telephone, telegraph, express, travel expense, motor vehicle operations, lights, water, power, insurance and bonding, printing and binding, repairs, rental and items of general expense not defined as "equipment purchases", and the money appropriated therefor shall be expended only for such purposes; (c) "equipment purchases" shall mean those items of office equipment, motor vehicle equipment and other equipment which have an appreciable and calcuable period of usefulness in excess of one year; (d) "automotive equipment purchases" shall mean those items of motor vehicle equipment only and the money appropriated therefor shall be expended only for such purposes. The amounts herein appropriated for "equipment purchases" and "automotive equipment purchases" shall be decreased by the amount of the sale, trade-in or exchange of the items of equipment purchases and automotive equipment purchases as described in Section 1 (c) and (d) hereof. Provided, however, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

Section 2. The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1976, and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 3, Chapter 4, Title 55 of the Code of Alabama 1940) and shall be in the amounts specified in said sections.

Section 3. STATE BOARD OF EDUCATION:

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| A. For Adult Basic Education: | | |
| To be used to match Federal Funds for a removal of illiteracy program | | 300,000.00 |
| B. Athens College: Operation and maintenance | | 1,000,000.00 |
| C. Civil Defense Survival Plan: | | |
| For salaries and other expenses only, in the operation of the Civil Defense Plan | | 17,000.00 |
| D. Civilian Rehabilitation: | | |
| For the vocational rehabilitation of handicapped individuals | 4,860,000.00 | |
| For the Governor's Committee on Employment of Handicapped | 40,000.00 | |
| For Medical Services, adjustment training and attendant care for paraplegics and quadraplegics | 800,000.00 | |
| Total | | 5,700,000.00 |
| E. For Compact for Education (To be expended in accordance with Act No. 1143, 1969 Regular Session.) | | 15,750.00 |
| F. Coordination of In-School Television Program: | | |
| For salaries | 80,000.00 | |
| For other expenses | 19,000.00 | |
| For equipment purchases | 1,000.00 | |
| Total | | 100,000.00 |
| G. For Driver Education, School Bus Driver Training and Vehicle Safety Inspection: | | |
| For salaries | 218,000.00 | |
| For other expenses | 80,000.00 | |
| For equipment purchases | 4,000.00 | |
| Total | | 302,000.00 |

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| H. | For Driver Education | | 4,415,000.00 |
| I. | Drug Education Program: | | |
| | For the necessary education on drug abuse | | 163,625.00 |
| J. | DEPARTMENT OF EDUCATION: | | |
| | (a) For the Department of Education: | | |
| | For the salary of the State Superintendent, Estimated | 40,000.00 | |
| | For other salaries | 1,036,992.00 | |
| | For other expenses | 160,000.00 | |
| | For rental expense | 475,000.00 | |
| | For equipment purchases | 20,000.00 | |
| | For transfer to State Personnel Department | 30,800.00 | |
| | Total | | 1,762,792.00 |
| | (b) For the "Right to Read Program" | | 50,000.00 |
| | (c) For operation of the Teacher Certification Program | | 200,000.00 |
| | (e) For Legal Reference Manuals for all Local School Boards | | 25,000.00 |
| | (f) For the City and County School Systems which participate in the Pilot Program of Educational Program Management Budgeting. The Systems participating shall be eligible upon certification by the Alabama Education Study Commission to the State Department of Education of the systems participating in this Pilot Program. All monies not used for this purpose shall revert to the Alabama Special Educational Trust Fund | | 70,000.00 |
| | (g) Regional Education | | 160,000.00 |
| | (h) For the Kindergarten Pilot Program | | 500,000.00 |
| K. | Elementary Teachers Scholarship Fund | | 25,000.00 |
| L. | Free Textbooks: | | |
| | For salaries | 63,332.00 | |
| | For other expenses | 40,000.00 | |
| | For disbursements to local boards | 62,250.00 | |
| | For equipment purchases | 1,000.00 | |
| | For the repair of used and the purchase of new textbooks | 6,318,418.00 | |

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| For operation of Course Study Commission | 15,000.00 | |
| Total | | 6,500,000.00 |

In either the 8th or 9th grade in every school system in this state, there shall be taught for one school year a course in Alabama Government, which course shall include City and County Governments in Alabama, the State Government of Alabama, including organization, duties and functions at city, county and state governmental levels, as well as their respective relationships with the Federal Government and its powers.

M. Alabama School of Fine Arts:

For operation and maintenance ..... 300,000.00

O. Junior College Equalization Account:

For operation and maintenance of the Junior Colleges listed below, to be distributed on a formula adopted by the State Board of Education ..... 28,437,100.00

(The above appropriation is to be distributed to the following Junior Colleges: (1) Alexander City State Junior College; (2) S. D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George Corley Wallace State Community College (Selma); (18) George C. Wallace State Community College; (Dothan); (19) Lurleen B. Wallace State Junior College.)

Of the amount appropriated to the Junior College Equilization Account, the sum of $575,000.00 shall be distributed to the Wallace Community College at Hanceville, Alabama.

Of the above appropriations contained herein in Section 3, paragraph O not more than the sum of $200,000.00 may be used by the State Board of Education for administration of the state junior college program.

Of the above amount appropriated to S. D. Bishop State Junior College, $35,000.00 shall be expended for the operation of the School of Mortuary Science.

Q. Of the amount above beginning with the fiscal year 1975-76 in addition to the salary received and all salary schedule increments due, all professional staff employed shall receive an increase of not less than twelve and seven-hundredths per centum (12.07%) of the state junior college salary schedule for the school year 1974-75.

R. To supplement federal funds available under the provisions of the Comprehensive Employment and Training Act ..... 350,000.00

S. Minimum Program Fund:

(a) In addition to all other funds appropriated for the public elementary and high schools of the State, there is hereby appropriated to the State Board of Education for the fiscal year ending September 30, 1976, the sum of $353,435,100.00 to be known as the Minimum Program Fund, which in accordance with the statutes and regulations of the State Board of Education relating to the expenditure of such fund, shall be used for providing a minimum term and for the equalization of educational opportunity in the public schools of the State; provided, that so much thereof as may be necessary of the above appropriations shall be used by the State Board of Education to provide for additional teacher units for each school system in the State which on the basis of current school attendance shall be entitled to additional teacher units over the number allowed based on the year immediately preceding said current year, provided further, that in no case shall a term of less than nine months in tax districts be approved, except that the State Board of Education, upon the recommendation of the State Superintendent of Education shall be authorized to make full allotments of funds to any school system for the time actually taught, if in the judgment of the State Superintendent of Education and the State Board of Education unusual conditions beyond the control of the local Board of Education in any school are such as to prevent the operation of that school for the required nine months minimum term; provided further, that the amount herein appropriated for the Minimum Program Fund shall include all monies earmarked for public school teachers' salaries as provided in the Income Tax Amendment ratified on the 26th day of August, 1947. The Minimum Program Fund shall also include any other appropriations of funds, either State or Federal, which may be designated by the Legislature as a part of the Minimum Program Fund.

(b) It is provided that from the appropriation hereinabove made the State Board of Education shall allocate and pay from said appropriation not less than three hundred fifty-five (355) additional teacher units for the program for exceptional children over and above the current allocation. Twenty-five (25) of the teacher units appropriated may be used in early education programs for exceptional children and twenty-five (25) teacher units may be used in regional multi-system, and/or state-wide programs for exceptional children. Anything to the contrary notwithstanding, no additional teacher units may be used for administration personnel.

(c) All special education units other than the early childhood and multi-system units, and units to reduce the number of pupils in grades 1-3 shall be allocated to local school systems on the basis of enrollment. Units earned by a system on this basis which are not used by such system may not be reallocated to other systems except those units necessary to guarantee school systems not less than the number of units allocated to them during the 1974-75 school year. Unallocated units shall remain earmarked for the systems designated for use during subsequent fiscal years.

(d) Two hundred and fifty dollars ($250) per teacher unit for grades K-6 and three hundred dollars ($300) per teacher unit for grades 7-12 is herein appropriated to the State Board of Education for all teachers employed (except ESEA Title I and Title III teachers and ESAA teachers) and shall be allocated to each county and city board of education for the purchase of instructional supplies, materials, and equipment, excluding furniture and fixtures. Each local county and city board of education shall allocate to the schools in their respective systems an amount as set forth hereinabove for each teacher unit in such school

provided from funds from the State. The faculty and principal of each school shall recommend to the superintendent the amount to be allocated to each school and teacher for the operation of the instructional program within the school. The local school board shall determine the allocation to each school and teacher, approve or disapprove requisitions for purchases from these funds, and shall issue purchase orders and handle all financial transactions in compliance with this section. It is the intent of the legislature that no fees shall be collected in the future in courses required for graduation. In non-required courses local school boards may set reasonable fees for courses requiring laboratory and shop materials and equipment; provided, however, such fees shall be waived for students who cannot afford to pay the fees. This section shall not be construed to prohibit community groups or clubs from fund raising activities; provided, however, that students shall not be required to participate in such fund raising activities. Provided further, it is the intent of the Legislature that no local school board shall reduce the amount of funds which it allocated for the 1974-75 school year for the purchase of instructional materials and supplies. There is hereby appropriated in addition to that above the sum of $10,029,700.00.

(e) It is provided that beginning with the fiscal year 1975-76 that in addition to the salary now received, and all other local increment due, all teachers under the Minimum Program shall receive a salary increase as follows: AA teachers not less than twelve hundred thirty-two dollars (1232) per annum; Rank I teachers not less than one thousand one hundred sixty dollars ($1,160) per annum; Rank II teachers not less than one thousand dollars ($1,000) per annum; Rank III teachers not less than one thousand dollars ($1,000) per annum; Rank IV teachers not less than one thousand dollars ($1,000) per annum. Any county or city board of education failing to comply herewith shall not be entitled to participate in the Minimum Program Fund. All school bus drivers shall receive a salary increase of not less than twelve per centum (12%) per annum, and any county or city board of education failing to comply herewith shall not be entitled to share in the Minimum Program Fund.

It is provided that in addition to all units earned by the local school system under the Minimum Program Fund calculation one (1) extra unit or fraction thereof shall be awarded for each aggregate of fifteen (15) units or fraction thereof earned in said Minimum Program Fund calculation including regular, and special education units. The local school system shall assign to each school within the system at least the number of teacher units earned by that school using the Minimum Program Fund calculation and the additional units earned through the one (1) to fifteen (15) ratio as set forth herein. No school system may reduce during the school year the number of teachers it employed with the local funds during the school year 1974-75 except in instances where all schools within the system are accredited or have met every requirement of accreditation with respect to teacher/pupil ratios. The local school system shall furnish the State Department of Education such information as may be necessary to determine that the provisions of this section have been implemented.

(f) In addition to the appropriation hereinabove made to the Minimum Program, there is hereby appropriated funds for two (2) days personal leave at $17.00 per teacher unit for each teacher earned under the Minimum Program formula to be granted upon request of the teacher and administered by the State Board of Education and by local school boards under procedures governing sick leave for the fiscal year ending September 30, 1976, the sum of $1,138,218.00.

(g) In addition to the appropriation hereinabove made to the Minimum Program (sub-section S) and Vocational Education (sub-section

AA) and Driver Education (sub-section H) in grades 1-12, there is hereby appropriated the sum of Two Hundred Sixteen Dollars ($216.00) per annum per teacher, administrative or supervisory unit as located under the Minimum Program, Vocational Education Program and any other units paid from State or local funds to provide hospital-medical insurance assistance.

Provided further that any professional employee eligible for hospital-medical assistance who may be subject to coordination of benefits because of their coverage for hospital-medical assistance by carrier other than those selected under this act, be protected from such coordination of benefits to the extent provided by regulation No. 56 of Alabama Department of Insurance. It being the intent of this appropriation to provide hospital-medical insurance assistance to those qualified professional employees in the amount set forth in this appropriation and such insurance coverage not to be subject to coordination of benefits.

These funds shall be made available to local boards of education with a majority of the local participating professional employees selecting the plan(s) and the carrier(s) of the hospital-medical insurance in that system. Any funds not used in the fiscal year shall revert to the Alabama Special Educational Trust Fund. There is hereby appropriated the sum of $7,231,032.00 for the fiscal year ending September 30, 1976, for the purpose of carrying out the provisions of this sub-section.

(h) In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

The amount necessary for the payment of Board of Adjustment awards in accordance with the Minimum Program statutes and regulations.

For "Other Current Expenses" a sum not to exceed $1,543.43 for each earned teacher unit.

For Principal Supplement the sum shall not exceed $72.00 for each earned teacher unit.

For Capital Outlay the sum shall not exceed $64.87 for each earned teacher unit.

Sick leave days shall be paid at the rate of $17.00 per day. The salary allotment shall be made in accordance with the schedule set out herein above.

The above appropriation contained in sub-section (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of $22,866,490.00.

The appropriation herein above set out for the fiscal year 1975-76 in the amount of $371,834,050.00 is based on 30,573 teacher units.

It is provided that in the event there are more than 30,573.00 earned teacher units in the fiscal year 1975-76, then such amounts as are necessary to pay for these excess teacher units is hereby appropriated.

It is further provided that in the event that there be less earned teacher units than those set out above than the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid out.

(i) In addition to teacher units allocated above, it is further provided that 300 additional regular teacher units shall be made available for allocation in grades 1-3 of the county and city school systems for the fiscal year ending September 30, 1976. It is the intent of the legislature that priority be given to reduction of class size in grades 1-3, therefore the Alabama Education Study Commission and the State Department of Education shall have the authority to insure that the intent of the legislature is implemented. Any teacher units allocated under the provisions of this section shall be used in grades 1-3 unless the pupil-teacher ratio of 25-1 has already been achieved. In such event, the units may be used in grades 4-6.

(j) In addition to all other teacher units allocated to Jackson County, it is further provided that one vocational agricultural teacher unit and one home economics teacher unit be allocated to Skyline High School and one vocational agricultural teacher unit and one home economics teacher unit be allocated to North Sand Mountain High School.

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| T. | Minimum Program Account: | | |
| | Trainable Retarded Children: | | |
| | For the administration of a program for exceptional children and youth | | 426,812.00 |
| | The appropriation hereinabove made shall be expended by the State Board of Education for the cost incurred by the State Department of Education in the administration of this program. The appropriation for Special Education is the same appropriation as set out in Act No. 67, approved June 27, 1963, and shall be expended in accordance with that Act. | | |
| U. | National Defense Education Program | | 275,000.00 |
| V. | Physical Restoration of Crippled Children (Crippled Children's Service): | | |
| | For salaries | 450,000.00 | |
| | For Handicapped Individuals | 2,800,000.00 | |
| | Total | | 3,250,000.00 |
| W. | To the Department of Education for Plans and Surveys: | | |
| | For salaries | 56,000.00 | |
| | For other expenses | 16,500.00 | |
| | Total | | 72,500.00 |
| X. | To the Department of Education for transfer to the State Telephone Revolving Fund | | 859,512.00 |
| XX. | State Tenure Commission: | | |
| | For expense of operation | | 5,000.00 |
| Y. | (a) Vocational Education: | | |
| | For salaries | 75,000.00 | |

| | | |
|---|---|---|
| For other expenses | 37,150.00 | |
| For rental expense | 9,529.00 | |
| For equipment purchases | 1,500.00 | |
| Distributions to local boards and institutions | 28,812,220.00 | |
| Total | | 28,935,399.00 |

Of the amount listed above for the distribution to local boards of education beginning with the fiscal year 1975-76 in addition to the salary received and all salary increments due, all vocational teachers shall receive a salary increase of not less than twelve and seven hundredths per centum (12.07%) of the state vocational salary schedule for the school year 1974-75.

The appropriation hereinabove shall be disbursed or obligated in accordance with a formula adopted by the State Board of Education. The total allocation of vocational teacher units to each county and city board of education shall be at least equal to the number received by the respective board during the preceding fiscal year, and in addition thereto, a sum equal to the percentage equivalency based on months of employment, provided for in the minimum program salary increase contained in Section 3, paragraph Y (a).

In the event proration should become necessary due to the loss of Federal Vocational Funds, each local board shall be reduced by his prorata share under the adopted State Board of Education formula.

Any funds appropriated hereinabove in excess of the preceding fiscal year's distribution and in excess of the percentage salary equivalency under the Minimum Program provision shall be allocated by priorities to those boards that have less than their entitlement.

Funds appropriated hereinabove shall not be expended by the State Department of Education, local boards of education or institutions for contractual services to private profit agencies, organizations and institutions except for the purposes of the renovations, repair and rental of buildings and equipment.

(b) Vocational Education:

| | |
|---|---|
| For Pilot Agribusiness centers for personnel, equipment, facilities, and supplies for demonstration farm projects | 400,000.00 |

(c) Vocational Education:

| | |
|---|---|
| For Industrial Development Training; to be used for industrial purposes only | 1,550,000.00 |
| (d) Walker State Technical College | 200,000.00 |

(The appropriation herein above made in the amount of $200,000 is conditional upon the condition of the Alabama Special Education Trust Fund and with the approval of the Governor.)

Z. State Vocational Technical School Equalization Account:

For the operations and maintenance of the Vocational Technical Schools listed below, to be dis-

tributed in accordance with a formula adopted by the State Board of Education ..... 21,936,000.00

Of the amount above beginning with the fiscal year 1975-76 in addition to the salary received and all salary schedule increments due, all professional staff employed shall receive an increase of not less than twelve and seven-hundredths per centum (12.07%) of the state vocational-technical salary schedule for the school year 1974-75.

(The above appropriation is to be distributed to the following Vocational Technical Schools: (1) Atmore State Technical Institute; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College-Technical Branch; (7) Carver State Technical Trade School; (8) J. F. Drake State Technical College; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Vocational School; (12) Theodore A. Lawson State Community College-Technical Branch; (13) Douglas MacArthur State Technical College; (14) Muscle Shoals Technical Institute; (15) Northwest Alabama State Technical College; (16) N. F. Nunnelley State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncey Sparks State Technical College; (23) Councill Trenholm State Technical College; (24) Tuscaloosa State Technical College; (25) Walker County State Trade School; (26) George Corley Wallace State Community College-Technical Branch (Selma); (27) George C. Wallace State Community College-Technical Branch (Dothan); (28) George C. Wallace State Technical Community College (Hanceville).)

Of the above appropriations contained herein in Section 3, paragraph Z not more than the sum of $200,000.00 may be used by the State Board of Education for administration of the Vocational Technical School Program.

AA. BOARD OF TRUSTEES OF THE AGRICULTURAL AND MECHANICAL UNIVERSITY:

For the operation and maintenance of the University ..... 6,194,000.00

BB. BOARD OF TRUSTEES OF ALABAMA STATE UNIVERSITY OF MONTGOMERY:

For the operation and maintenance of the University of Montgomery ..... 5,414,000.00

Section 4. BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA:

A. The University:

(1) For operation and maintenance ..... 26,350,000.00

(2) Gadsden Cooperative Upper Division Program ..... 160,000.00

(3) For Emotionally Disturbed Children ..... 362,000.00

(4) College of Community Health Sciences ..... 1,500,000.00

(5) For Public Service, Research and Extension ..... 1,516,000.00

| | |
|---|---|
| (6) For Nursing Scholarships | 18,000.00 |
| (7) Psychology Department | 100,000.00 |
| (8) School of Nursing: | |
| For operation and maintenance | 200,000.00 |
| (9) Mine Resources Institute | 200,000.00 |
| (10) Museum of Natural History—Moundville State Park | 126,000.00 |
| (11) Family Practice Clinics | 375,000.00 |
| (12) Vocational Education Teacher Training | 100,000.00 |
| B. The University—Birmingham: | |
| (1) For the University College: | |
| Operation and maintenance | 9,655,000.00 |
| (2) For the School of Community and Allied Health Resources | 1,123,000.00 |
| (3) For the School of Dentistry: | |
| For operation and maintenance | 5,000,000.00 |
| (4) For Diabetes Clinics: | |
| For operation and maintenance | 250,000.00 |
| (5) For Extension, Public Service and Research | 500,000.00 |
| (6) Urology Department: | |
| Treatment, Research and Development | 400,000.00 |
| (7) Regional Technical Institute: | |
| For operation and maintenance | 1,034,000.00 |
| (8) For Joint Health Science Program: | |
| For operation and maintenance | 1,280,000.00 |
| (9) For Center for Labor Education and Research | 250,000.00 |
| (10) For Medical School: | |
| (a) For operation and maintenance | 9,132,000.00 |
| (b) For operation and maintenance of Medical Information Service via Telephone | 100,000.00 |
| (c) For Department of Pediatrics | 300,000.00 |
| (11) For Lurleen B. Wallace Cancer Program: | |
| For operation and maintenance | 250,000.00 |
| (12) For School of Nursing: | |
| For operation and maintenance | 1,644,000.00 |

| | |
|---|---|
| (13) For School of Nursing—Scholarships | 88,400.00 |
| (14) For Student Nurses-Loan Fund | 12,000.00 |
| (15) For School of Optometry: | |
| For operation and maintenance | 1,000,000.00 |
| (16) For the University Hospital and Clinics | 2,100,000.00 |
| (17) Spinal-Cord Injury Program | 175,000.00 |
| (18) For Family Residency Program: | |
| (a) Anniston | 200,000.00 |
| (b) Florence | 200,000.00 |
| (c) Jefferson County | 200,000.00 |
| (d) Tuscaloosa | 200,000.00 |
| (e) Montgomery | 200,000.00 |
| (f) Heflin | 50,000.00 |
| (19) For construction and renovation at Diabetes Research and Education Hospital in Birmingham: | 1,000,000.00 |
| C. The University—Huntsville: | |
| (1) For operation and maintenance | 4,356,000.00 |
| (2) (a) For School of Medicine (School of Primary Medical Care) | 1,900,000.00 |
| (b) For Ambulatory Care Center | 350,000.00 |
| (3) For Division of Nursing—Scholarships (To be expended in accordance with Act No. 2290, 1971 Regular Session.) | 18,000.00 |
| (4) Environmental Science Center | 250,000.00 |
| (5) Motor Vehicle Research Center (1.6% State Cost-Grant) | 50,000.00 |
| (6) School of Nursing | 600,000.00 |
| Section 5. BOARD OF TRUSTEES OF AUBURN UNIVERSITY: | |
| A. The College: | |
| (1) For operation and maintenance | 26,605,000.00 |
| (2) Engineering Experiment Station | 475,000.00 |
| (3) Television Education | 300,000.00 |
| (4) Center for Vocational and Adult Teacher Education (The funds provided in subsection (4) shall be used for the support of undergraduate and graduate teacher education, research, and in-service extension activities in vocational, technical and adult education | 500,000.00 |

| | |
|---|---|
| (5) Psychology Department | 100,000.00 |
| (6) Wildlife Research Unit | 50,000.00 |
| (7) Public Service, Research & Extension | 400,000.00 |

B. Agriculture Research:

| | |
|---|---|
| Alabama Agriculture Experiment Station at Auburn, for work and experimentation | 5,460,000.00 |

That all research work and experimentation contemplated by the spirit and purpose of this sub-section (b) shall be carried out under the supervision of the Director of the Agricultural Experiment Station System and the President of Auburn University, who shall make a complete report to the Board of Trustees of Auburn University for the fiscal year ending September 30, 1976.

The funds provided in this sub-section (c) shall be used for the support of researchers, experiments and investigations bearing upon and relating to the production, marketing, manufacturing, use and distribution of agricultural crops and products; for the production; marketing and curing of all kinds of livestock and livestock products that may be sold from or consumed on the farms of Alabama; for the production, culture, and use of pasture plants for the establishment, care, use and management of pastures; for the testing of all kinds of hay, food, and forage crops, including those that may be used for lawns and other sod crop purposes; for the testing of varieties of crops, including soil adaption and improvement; for the testing of fertilizers and fertilizer materials on the various soils and for various crops; for the production, marketing, storage, and curing of fruit, nut and vegetable crops; for the study of plant and animal disease and insect pests; for researches and experiments dealing with forest production, management and use; for researchers dealing with soil erosion and problems arising from the waste of land due to soil erosion, for researchers to discover new uses of land; for the provisions of necessary land, buildings, fencing livestock and other physical equipment needed for the research work herein provided for; for researchers in game and fish production; provided, however, that any researchers in game and fish production shall be in cooperation with or upon the advice of the Director of Conservation, so that there may be complete coordination between the work of the Alabama Agricultural Experiment Station and that of the State Department of Conservation; as future changing agricultural conditions may demand, for researches and experiments on other similar important agricultural and economic problems having for their object the development of a more permanent, profitable and diversified agriculture; and for the printing of the necessary bulletins, circulars, etc., in order that the citizens of Alabama may be acquainted with the results of said research.

C. Extension Work for Agriculture and Home Economics:

| | |
|---|---|
| For advising, demonstrating and informing people of Alabama in agricultural, farm and home pursuits, and other extension services | 5,930,000.00 |
| For payment of Employees Retirement in accordance with Act No. 697, 1975 Regular Session | 500,000.00 |

The appropriation herein made for the Extension Service shall be expended by the direction of the Board of Trustees of Auburn University through its Extension Service and shall be done in such manner as

to make available the maximum amounts of aid from the Federal government.

| | | |
|---|---|---|
| D. | Auburn University—Montgomery: | |
| | For operation and maintenance | 4,410,000.00 |
| | For Montgomery Area Community Health Sciences Institute | 110,000.00 |
| Section 6. | BOARD OF TRUSTEES OF JACKSONVILLE STATE UNIVERSITY: | |
| | For operation and maintenance | 7,307,000.00 |
| | For School of Nursing Scholarships (To be expended in accordance with Act No. 2288, 1971 Regular Session) | 18,000.00 |
| | For Gadsden Program | 245,000.00 |
| Section 7. | BOARD OF TRUSTEES OF LIVINGSTON UNIVERSITY: | |
| | For operation and maintenance | 2,475,000.00 |
| | For School of Nursing Scholarships | 18,000.00 |
| Section 8. | BOARD OF TRUSTEES OF UNIVERSITY OF MONTEVALLO: | |
| | For operation and maintenance | 4,218,000.00 |
| | For Speech and Hearing Clinic | 150,000.00 |
| | For operation and maintenance of a Highway Safety Program | 110,000.00 |
| Section 9. | BOARD OF TRUSTEES OF UNIVERSITY OF NORTH ALABAMA: | |
| | For operation and maintenance | 5,000,000.00 |
| | For School of Nursing Scholarships (To be expended in accordance with Act No. 2304, 1971 Regular Session) | 18,000.00 |
| Section 10. | BOARD OF TRUSTEES OF THE UNIVERSITY OF SOUTH ALABAMA: | |
| | (a) For operation and maintenance | 7,442,000.00 |
| | (b) For Coordinate College for Health Professions | 542,000.00 |
| | (c) For operation and maintenance of a College of Medicine | 5,650,000.00 |
| | (d) For Family Residency Program—Baldwin County | 200,000.00 |

(The appropriation herein above made in the amount of $200,000 is conditional upon the condition of the Alabama Special Education Trust Fund and with the approval of the Governor.)

(e) For Nursing Scholarships ..... 18,000.00
(To be expended in accordance with Act No. 2302, 1971 Regular Session)

(f) For Teaching Hospital ..... 850,000.00

(For unrestricted support of health professions education conducted in the University Hospital and Clinics)

Section 11. BOARD OF TRUSTEES OF TROY STATE UNIVERSITY:

(a) For operation and maintenance ..... 5,204,000.00

(b) For operation and maintenance of Troy State University at Montgomery ..... 165,000.00

(c) For operation and maintenance of Troy State University at Fort Rucker-Dothan ..... 165,000.00

(d) For School of Nursing-Scholarships ... 36,000.00
(To be expended in accordance with Act No. 2292, 1971 Regular Session)

(e) For Public Service Research and Extension ..... 200,000.00

Section 12. BOARD OF TRUSTEES OF ALABAMA INSTITUTE FOR DEAF AND BLIND:

(a) For operation and maintenance ..... 2,960,000.00

(b) For operation and maintenance of the Dept. of Adult Blind and Deaf ... 1,255,139.69

(c) For operation and maintenance of the State Library for the Blind ..... 60,000.00

(d) Of the amounts listed above it is provided that in the fiscal year 1975-1976 that in addition to the salary now received and all salary increments due, all non-vocational certificated employees shall receive a salary increase as follows: AA teachers not less than twelve hundred thirty-two dollars (1232) per annum; Rank I teachers not less than one thousand one hundred sixty dollars ($1,160) per annum; Rank II teachers not less than one thousand dollars ($1,000) per annum; (Rank III teachers not less than one thousand dollars ($1,000) per annum;) Rank IV teachers not less than one thousand dollars ($1,000) per annum. Further, in addition to salary now received and all salary increments due, all vocational teachers shall receive a salary increase of not less than twelve and seven hundredths per centum (12.07%) of the state vocational salary schedule for the school year 1974-75.

Also each certificated employee shall be allowed two hundred sixteen dollars ($216) to provide hospital-medical insurance assistance. A majority of the participating professional employees shall select the plan (s) and the carrier (s) of the hospital-medical insurance."

Section 13. DEBT SERVICE:

| | | |
|---|---|---|
| (1) For the payment of principal and interest due on bonds issued by Auburn University (Alabama Polytechnic Institute) pursuant to Constitutional Amendment No. CXX | | 308,760.00 |
| (2) For the payment of principal and interest due on bonds issued by the University of Alabama pursuant to Constitutional Amendment No. CXIX | | 308,760.00 |
| (3) For the payment of principal and interest due on bonds issued by the University of Alabama Research Institute pursuant to Constitutional Amendment No. CLVII | | 207,025.85 |
| (4) Interest on Endowments: | | |
| For interest on University of Montevallo (Alabama College) Endowment, Estimated | 44,000.00 | |
| For interest on Auburn University Endowment | 20,280.00 | |
| For interest on University of Alabama Endowment | 61,000.00 | |
| For interest on Grove Hill Endowment | 600.00 | |
| For interest on Public School Fund Endowment: | | |
| Interest on 16th Section lands, Estimated | 285,000.00 | |
| Interest on School Indemnity lands, Estimated | 67,135.81 | |
| Interest on Valueless 16th Section lands | 5,825.47 | |
| Interest on Surplus Revenue | 26,763.47 | |
| Interest on James Wallace Fund | 275.25 | |
| Total | | 510,880.00 |

Section 14. BOARD OF DENTAL SCHOLARSHIP AWARDS:

For Dental Scholarships at the University of Alabama School of Dentistry or any other dental school accredited by the Council of Dental Education of the American Dental Association ..... 83,000.00
(To be expended under the provisions of Act No. 792, 1965 Regular Session)

Section 15. EDUCATION OF DEPENDENTS OF BLIND PARENTS:

For reimbursement of every State Institution of Higher Learning, College, University, or State Trade School or Junior College, in which benefits are given to dependents of blind parents under the provisions of Act No. 281, 1966 Special Session, Estimated ..... 6,930.00

Section 16. ALABAMA EDUCATION STUDY COMMISSION:

To be used for educational studies in accordance with Act No. 15, 1969 Special Session:

For salaries, other expenses and equipment purchases ..... 205,000.00

Section 16a. COMMISSION ON HIGHER EDUCATION:

For salaries and other expenses ..... 200,000.00
(To be expended in accordance with Act No. 14, 1969 Special Session)

Section 17. ALABAMA EDUCATIONAL TELEVISION COMMISSION:

| | | |
|---|---|---|
| For salaries | 714,000.00 | |
| For other expenses | 500,000.00 | |
| For equipment purchases | 241,000.00 | |
| For automotive equipment purchases | 10,000.00 | |
| For programming | 375,000.00 | |
| Total | | 1,840,000.00 |

Section 18. DEPARTMENT OF PUBLIC HEALTH:

For transfer to the Department of Health:

For Immunization of Pre-School and students ..... 250,000.00

| | | | |
|---|---|---|---|
| | For Public School Food Sanitation Program | 250,000.00 | |
| | Total | | 500,000.00 |
| Section 19. | Pike County Family Practice Clinic for operation and maintenance of a Family Practice Clinic in Pike County | | 200,000.00 |
| | (Provided that the aforesaid Family Practice Clinic shall be operated by either the Family Residency Program of the University of Alabama at Birmingham, or by the Family Residency Program of the University of South Alabama, or jointly by both Universities. | | |
| Section 20. | MARINE ENVIRONMENTAL CONSORTORIUM: | | |
| | For operation and maintenance | | 325,000.00 |
| Section 21. | MEDICAL SCHOLARSHIPS BOARD: | | |
| | For Medical Scholarships at the University of Alabama Medical School (To be expended under the provisions of Act No. 278, 1965 1st Special Session) | | 135,000.00 |
| Section 22. | MONTGOMERY INSTITUTE FOR NEUROLOGICAL DEVELOPMENT | | 25,000.00 |
| Section 23. | ALABAMA PUBLIC LIBRARY SERVICE: | | |
| | State Aid to Counties | | 650,000.00 |
| Section 24. | SOCIAL SECURITY: | | |
| | For State's share of Social Security, Estimated | | 28,000,000.00 |
| Section 25. | SYLACAUGA NURSES TRAINING SCHOOL: | | |
| | For operation and maintenance | | 40,000.00 |
| | For School of Nursing Scholarships (To be expended in accordance with Act No. 2393, 1971 Regular Session) | | 18,000.00 |
| Section 26. | BOARD OF CONTROL OF THE TEACHERS' RETIREMENT SYSTEM: | | |
| | For Teachers' Retirement System, Estimated | | 90,000,000.00 |
| | The above appropriation shall be expended in accordance with the statutes and regulations now or hereafter existing relating to the expenditure of such Teachers' Retirement Fund. | | |
| | For Teachers' Special Pension Fund, Estimated | | 4,000,000.00 |

| | | | |
|---|---|---|---|
| Section 27. | VETERANS EDUCATION BENEFITS: | | |
| | For reimbursment to every State Institution of Higher Learning, College, University, or State Trade School or Junior College, in which benefits are given to veterans, their wives, widows, or children under the provision of Act No. 767, 1965 Regular Session, Estimated | | 900,000.00 |
| Section 28. | JOHN M. WILL MEMORIAL SCHOLARSHIP FOUNDATION | | 1,000.00 |
| Section 29. | YOUTH SERVICES BOARD: | | |
| | For operation and maintenance | | 5,100,000.00 |
| | For salaries of Probation Officers (To be expended in accordance with Act No. 816, 1973 Regular Session) | | 950,000.00 |
| | Youth Services Board—For Administration | | 400,000.00 |
| Section 30. | BIRMINGHAM TRAINING CENTER FOR BRAIN INJURED | | 29,100.00 |
| Section 31. | ALABAMA LAW INSTITUTE FOR LIBRARY BOOKS | | 64,000.00 |
| Section 32. | ALABAMA LEARNING RESOURCES CENTER (Instructional Materials Center) | | 60,000.00 |
| Section 33. | COMMISSION ON PHYSICAL FITNESS: | | |
| | For salaries | 48,300.00 | |
| | For other expenses | 13,200.00 | |
| | For equipment purchases | 500.00 | |
| | Total | | 62,000.00 |
| Section 34. | PUBLIC LIBRARY SERVICE: | | |
| | For salaries | 114,000.00 | |
| | For other expenses | 28,000.00 | |
| | For books and periodicals | 36,000.00 | |
| | Total | | 178,000.00 |
| Section 35. | ALABAMA LAW INSTITUTE | | 125,000.00 |
| Section 36. | ALABAMA LAW ENFORCEMENT PLANNING AGENCY: | | |
| | For operation and maintenance of a law enforcement academy at Troy State University | 55,000.00 | |

| | | |
|---|---|---|
| For operation and maintenance of a law enforcement academy at Jacksonville State Uuiversity | 55,000.00 | |
| For operation and maintenance of a law enforcement academy at John C. Calhoun Junior College | 55,000.00 | |
| For operation and maintenance of a law enforcement academy at Jefferson State Junior College | 55,000.00 | |
| Total | | 220,000.00 |

Section 37. WALKER COUNTY BOARD OF EDUCATION:

For the use of the Sumiton Elementary .. 500,000.00

Section 38. HENRY COUNTY BOARD OF EDUCATION:

For capital outlay purposes ..... 300,000.00

Section 39. BIRMINGHAM CITY BOARD OF EDUCATION:

For Speech and Hearing Clinic ..... 100,000.00

Section 40. WINFIELD CITY BOARD OF EDUCATION:

For Capital Outlay ..... 300,000.00

Section 41. MORGAN COUNTY BOARD OF EDUCATION:

Falkville High School
For the construction of a gymnasium .... 300,000.00

Section 42. BIRMINGHAM SYMPHONY ASSOCIATION, INC. ..... 100,000.00

(To be used for the support and maintenance of an expanded state-wide music education program by the official Symphony of the State of Alabama for the young people in the primary and secondary schools and to be expended with the advice of a committee composed of the State Superintendent of Education and four persons appointed by him and the President of the Birmingham Symphony Association and four persons appointed by him.)

Section 43. ARAB CITY BOARD OF EDUCATION .. 450,000.00

Section 44. STATE BOARD OF EDUCATION:

For additional construction and equipping of the Atmore State Technical Institute ..... 228,000.00

Section 45. LOWNDES COUNTY BOARD OF EDUCATION:

For construction and equipping a burned school in Lowndes County ..... 300,000.00

Section 46. LAUDERDALE COUNTY BOARD OF EDUCATION:

For capital outlay purposes for Central School ..... 380,000.00

Section 47. BULLOCK COUNTY SCHOOL BOARD: For burned out school buildings ..... 250,000.00

Section 48. MACON COUNTY SCHOOL BOARD: For burned out school buildings ..... 250,000.00

Section 49. PERRY COUNTY BOARD OF EDUCATION:

For capital outlay purposes for the school located in Heiberger Community ..... 300,000.00

Section 50. THE ALABAMA POST-SECONDARY 1202 COMMISSION:

For the Alabama Student Assistance Program ..... 350,000.00

Section 51. ALABAMA PEACE OFFICERS AND STANDARDS TRAINING COMMISSION ..... 50,000.00

Section 52. GADSDEN CITY BOARD OF EDUCATION:

For Capital Outlay ..... 300,000.00

Section 53. CHILTON COUNTY BOARD OF EDUCATION:

For Capital Outlay ..... 450,000.00

Section 54. ALABAMA FIREFIGHTERS PERSONNEL STANDARDS EDUCATION COMMISSION ..... 30,000.00

Section 55. COVINGTON COUNTY BOARD OF EDUCATION:

For construction and equipment purchases at Red Level Grammar School ... 450,000.00

(The above appropriations herein above made in Sections 37-55 inclusive are made conditionally upon the condition of the Alabama Special Education Trust Fund and with the approval of the Governor.)

Section 56. ALABAMA COUNCIL ON THE ARTS AND HUMANITIES ..... 150,000.00

Section 57. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds provided for in this Act, whereupon the Comptroller, shall issue his warrant therefor; provided, that all appropriations and funds made available to the University of Montevallo, the University of Alabama, the University of South Alabama, Auburn University, the Institute for the Deaf and Blind, the Youth Services Board, the Alabama Educational Television Commission, Teachers' Retirement System, University of North Alabama, Jacksonville State University, Livingston State University, Troy State University, Agricultural and Mechanical University, Alabama State University and the State Social Security Board by the provisions of this Act shall be paid by request to the Comptroller made in the manner now provided by law.

Section 58. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act, or all or any portion of any appropriation or appropriations herein made, be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision, or portion of this Act, or any other appropriation or portion thereof made not in and of itself unconstitutional or invalid.

Section 59. This Act shall become effective on October 1, 1975.

SUBSTITUTE MOTION TABLED

On motion of Mr. Reed, the substitute motion offered by Mr. Pegues to table the Reports of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 9, and request a new Committee on Conference, was tabled.

Yeas 57; Nays 33.

*Yeas:*

Messrs.: Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Carter, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Hall, Higginbotham, Hill, Hilliard, Hines, Holley, Jackson (F), Killian, Kinsey, Lee, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Naramore, Owens, Plaster, Porter, Reed, Rich, Roberts, Sandusky, Smith (C), Smith (M), Sparks, Starkey, Taylor, Teague, Tucker, Turnham, Waggoner, Weeks, Whatley and Wyatt.

—57

*Nays:*

Messrs.: Albright, Andrews, Campbell, Carothers, Cates, Dial, Gafford, Glass, Gregg, Harrison, Hopping, Johnson, Johnstone, Kennedy, Leonard, Lewis, Lockett, Lutz, Manley, Moore (O), Moore (W), Pegues, Riddick, Robertson, Sasser, Shelton, Smith (B), Sonnier, Trammell, Venable, Warren, White and Williams.

—33

MOTION TO TABLE LOST

The motion offered by Mr. Reed to table the minority substitute to the bill, H. 9, was lost.

Yeas 46; Nays 49.

*Yeas:*

Messrs.: Albright, Armstrong, Baker, Boles, Brindley, Carter, Coburn, Crawford, Cross, Drake, Edwards, Folmar, Ford, Glass, Goodwin, Greer, Hall, Harrison, Hill, Hilliard, Hines, Holley, Jackson (R), Kennedy, LeFlore, Leonard, McNees, Martin, Mitchem, Naramore, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Smith (C), Sparks, Starkey, Taylor, Teague, Tucker, Turnham, Waggoner, Weeks and Wyatt.

—46

*Nays:*

Mr. Speaker, Andrews, Barron, Biddle, Callahan, Carothers, Cates, Clark, Cooper, Crowe, Dial, Falkenburg, Gafford, Gregg, Harris, Higginbotham, Hopping, Jackson (F), Johnson, Johnstone, Jolly, Killian, Kinsey, Lewis, Lockett, Lutz, McCulley, McMillan, Malone, Manley, Moore (O), Moore (W), Morris, Owens, Riddick, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Trammell, Venable, Warren, Whatley, White and Williams.

—49

## MINORITY SUBSTITUTE ADOPTED

On motion of Mr. Owens, the minority substitute to the bill, H. 9, was adopted.

Yeas 64; Nays 35.

*Yeas:*

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Cooper, Crawford, Crowe, Dial, Falkenburg, Folmar, Gafford, Gregg, Harris, Higginbotham, Holmes, Hopping, Howard, Jackson F), Jackson (R), Johnstone, Jolly, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, Malone, Manley, Mitchem, Moore (O), Moore (W), Morris, Owens, Riddick, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—64

*Nays:*

Messrs.: Armstrong, Boles, Carter, Coburn, Cross, Drake, Edwards, Ford, Glass, Goodwin, Greer, Hall, Harrison, Hill, Hilliard, Hines, Holley, Johnson, Kennedy, Leonard, McNees, Martin, Naramore, Plaster, Porter, Reed, Rich, Roberts, Smith (C), Sparks, Taylor, Teague, Tucker, Turnham and Waggoner.

—35

## MOTION TO NON-CONCUR TABLED

On motion of Mr. Reed, the motion offered by Mr. Johnstone that the House non-concur in the minority substitute to the bill, H. 9, and request a new Committee on Conference, was tabled.

Yeas 70; Nays 25.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg,

Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holmes, Jackson (F), Killian, Kinsey, Lee, LeFlore, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Plaster, Porter, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley and Williams.

—70

*Nays:*

Messrs.: Albright, Andrews, Campbell, Glass, Harrison, Holley, Hopping, Jackson (R), Johnson, Johnstone, Kennedy, Leonard, Lewis, Lockett, Malone, Naramore, Pegues, Riddick, Robertson, Smith (B), Smith (J), Tucker, Warren, White and Wyatt.

—25

And the bill, H. 9 as thus amended, was again read at length and passed.

Yeas 79; Nays 21.

*Yeas:*

Mr. Speaker, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Cooper, Crawford, Crowe, Dial, Falkenburg, Folmar, Ford, Gafford, Gregg, Hall, Harris, Harrison, Higginbotham, Hilliard, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Jolly, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Plaster, Porter, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—79

*Nays:*

Messrs.: Albright, Andrews, Armstrong, Boles, Carter, Cross, Drake, Edwards, Glass, Goodwin, Greer, Hill, Hines, Johnstone, Leonard, McNees, Naramore, Pegues, Riddick, Sparks and Teague.

—21

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Waldrop:

S. 141. To repeal Act No. 646, H. 1665, 1973 Regular Session (Acts of 1973, p. 960), entitled "An Act Relating to counties having a population of not less than 90,000 nor more than 100,000, according to the most recent federal decennial census; levying privilege or license taxes upon sellers, distributors, storers, or users of malt or brewed beverages; providing for the administration of the act by the county commission, board of revenue, or like governing body of such counties and the collection and distribution of the proceeds of the tax; prescribing penalties for violations."

Also:

By Mr. Waldrop:

S. 143. To repeal Act No. 996, H. 1845, 1973 Regular Session (Acts of 1973, p. 1509), entitled "An Act Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census; to impose certain additional privilege or license taxes upon the sale of malt or brewed beverages in certain areas of said counties, and to provide for the collection and distribution of said taxes."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 141. Local Legislation No. 1.

S. 143. Local Legislation No. 1.

MOTION TO RECESS

Mr. Greer offered the motion that the House recess until 9:30 o'clock p.m.

SUBSTITUTE MOTION ADOPTED

The substitute motion offered by Mr. Robertson that the House receive Senate Messages and then recess subject to the call of the Chair, was adopted.

And on substitute motion, the House recessed subject to the call of the Chair.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution, and returns same herewith to the House.

H. J. R. 72. TO FIX A DAY FOR HOLDING THE ELECTION ON CONSTITUTIONAL AMENDMENTS PROPOSED AT THE CURRENT SESSION.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Holley, the House concurred in and adopted the Senate amendment to the resolution, H. J. R. 72, said Senate amendment being as follows:

TO FIX A DAY FOR HOLDING THE ELECTION ON CONSTITUTIONAL AMENDMENTS PROPOSED AT THE CURRENT SESSION.

WHEREAS several amendments to the Constitution of Alabama have been proposed during the current session of the Legislature, and the acts or resolutions proposing such amendments have not provided for the submission of all of them at the same election and it will be more economical for the state to submit them all at one election; and

WHEREAS, the Justices of the Supreme Court of Alabama advised the Legislature on former occasions that there are no requirements of law as to the form that a legislative appointment of the day for an election must take, and that the designation of the day may be incorporated in the act or resolution proposing the amendment or otherwise; and

WHEREAS there is no prohibition in law which prevents a redesignation of a day appointed for holding the election on the constitutional amendments proposed at this current session of the Legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That all the amendments proposed during the current session of the Legislature shall be submitted at the primary election in May 1976.

RESOLVED FURTHER That notice of the election and of the proposed amendments shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 22. Relating to state and county prisoners; to authorize and direct the establishment of a joint state-county work-release program in each county of the state; to provide rules for establishment and operation of the program; to vest administrative and rule-making power in the board of corrections and county governing bodies; to provide for the amount and disposition of inmates' wages; to repeal or supercede conflicting laws; and to provide penalties for violations.

McDOWELL LEE,
Secretary.

## SENATE MESSAGE

On motion of Mr. Drake, the House concurred in and adopted the Senate amendment to the bill, H. 22, said Senate amendment being as follows:

Amend House Bill No. 22 Page 5 Line 8, by striking out Section 14 in its entirety.

Yeas 40; Nays 0.

*Yeas:*

Mr. Speaker, Baker, Barron, Brindley, Campbell, Cates, Coburn, Cooper, Drake, Folmar, Goodwin, Greer, Gregg, Hall, Hill, Hines, Jackson (F), Johnstone, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCulley,

McMillan, McNair, McNees, Plaster, Quarles, Riddick, Sandusky, Smith (B), Smith (J), Smith (M), Sparks, Trammell, Venable, Whatley and Wyatt.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 22 as thus amended, was again read at length and passed.

Yeas 47; Nays 0.

*Yeas:*

Mr. Speaker, Baker, Barron, Brindley, Campbell, Cates, Coburn, Crawford, Drake, Folmar, Goodwin, Greer, Gregg, Hall, Hill, Hines, Howard, Jackson (F), Johnstone, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McMillan, McNair, McNees, Mitchem, Pegues, Plaster, Quarles, Rich, Riddick, Sandusky, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Taylor, Trammell, Venable, Warren, Whatley, Williams and Wyatt.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 99. To allow retired members of the Employees' and Teachers' Retirement Systems to become employed with any employer unit participating in the Employees' and Teachers' Retirement Systems and to prescribe the limitations therefor, and providing retroactive application therefor.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Owens, the House concurred in and adopted the Senate amendment to the bill, H. 99, said Senate amendment being as follows:

RETIREMENT SYSTEM LEGISLATION

Actuarial Cost Estimate

This estimate is made in accordance with Act No. 1284 of the 1973 Regular Session of the Alabama Legislature, which provides that an actuarial cost estimate accompany any legislation affecting the Retirement Systems of Alabama. This estimate is provided by George B. Buck and Company of New York and Dr. David G. Bronner, Secretary-Treasurer of the Retirement Systems of Alabama.

Synopsis

This bill allows retired members of the Employees' and Teachers' Retirement Systems to become employed with any employer unit participating in the Employees' and Teachers' Retirement System and to prescribe the limitation therefor.

Cost Estimate

This bill allows experienced retired members to fill positions with covered employers during peak work seasons and during vacations. It also allows retired members to assume elective positions without suspension of benefits under certain limitations. There is no cost related to this measure under the limitations imposed. No retired member may replace a full-time active contributing member without suspension of benefits.

*ANY AMENDMENT TO THIS BILL VOIDS THIS COST DETERMINATION.

A BILL
TO BE ENTITLED
AN ACT

To allow retired members of the Employees' and Teachers' Retirement Systems to become employed with any employer unit participating in the Employees' and Teachers' Retirement Systems and to prescribe the limitations therefor.

Be It Enacted by the Legislature of Alabama:

SECTION 1.(a) It is hereby declared to be lawful and permissible for any member, who has retired on service under the Employees' Retirement System of Alabama to perform duties for any employer unit participating in the Employees' Retirement System, provided that such retired member is physically and mentally able to do so, in the opinion of the employing authority, and, that he does not earn more than the base allowed under the Federal Social Security law as set from time to time.

(b) Such retired Employees' Retirement System member shall continue to receive all retirement benefits that such retired member would receive if he or she were not so employed so long as he or she does not earn more than the base allowed under the Federal Social Security law as set from time to time.

SECTION 2. The retirement allowance of any retired member under the Employees' and Teachers' Retirement Systems of Alabama who becomes an elected official or who is appointed to an elective position of a state, county, or municipal employer unit, which participates in the Retirement Systems of Alabama shall not be suspended during the period of such service; provided that the retirement allowance of such retired member shall be treated as in Section One (1) above:

(a) If the retired member becomes an elected official or is appointed to an elective position of the same governmental employer unit from which he has retired and/or which on account of service thereto he receives retirement allowances from the Employees' or Teachers' Retirement Systems:

(b) If the position to which he has been elected has at any time during the four years immediately preceding such members' assumption of his office been a covered position eligible for participation in the Employees' Retirement System or Teachers' Retirement System; or

(c) If at any time during his term of office such position becomes eligible for participation in the Employees' or Teachers' Retirement Systems or in any pension, supernumerary, annuity, or retirement plan funded wholly or partially from public funds, and, such retired member elects to participate in same.

SECTION 3. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly modified to the extent necessary to carry out the provisions of this Act.

SECTION 4. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Yeas 52; Nays 0.

*Yeas:*

Mr. Speaker, Baker, Barron, Brindley, Campbell, Cates, Crawford, Drake, Folmar, Goodwin, Greer, Gregg, Hall, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, McNees, Merrill, Mitchem, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Trammell, Venable, Warren, Whatley, Williams and Wyatt.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 99. To allow retired members of the Employees' and Teachers' Retirement Systems to become employed with any employer unit participating in the Employees' and Teachers' Retirement Systems and to prescribe the limitations therefor.

As thus amended, was again read at length and passed.

Yeas 47; Nays 1.

*Yeas:*

Mr. Speaker, Baker, Barron, Brindley, Campbell, Carter, Cates, Drake, Falkenburg, Folmar, Greer, Gregg, Hall, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, McNees, Merrill, Mitchem, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Smith (B), Smith (C), Smith (M), Sparks, Trammell, Venable, Whatley, Williams and Wyatt.

—47

*Nay*: Mr. Sandusky. —1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

S. 50. Amend Act No. 1180 of the 1975 Regular Session of the Alabama Legislature by changing the overtime provisions of said Act; defines state law enforcement officer and repeals all conflicting laws; and provides funding.

said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I am transmitting herewith a Message from the Governor concerning Senate Bill Number 50, and containing a suggested Executive Amendment.

Respectfully submitted,

HENRY B. STEAGALL, II,
Executive Secretary.

DONE THIS 13th DAY OF NOVEMBER, 1975.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 50 without my signature and approval and with the following suggested Executive Amendment.

It is my suggestion that you amend Senate Bill Number 50 by deleting Section 4 in its entirety, and substituting in lieu thereof the following:

"Section 4. There is hereby appropriated for the fiscal year ending September 30, 1976, to the following departments, the amounts set out below to carry out the provisions of this Act.

| | |
|---|---|
| Alcoholic Beverage Control Board | 82,390.00 |
| Board of Corrections | 175,000.00 |
| Department of Agriculture & Industries | 3,600.00 |
| Department of Conservation and Natural Resources Administrative Division | 1,780.00 |
| Game and Fish Division | 76,175.00 |
| Parks Division | 1,945.00 |
| Marine Resources Division | 6,295.00 |
| Water Safety Division | 21,445.00 |

| | |
|---|---|
| Department of Revenue | 6,890.00 |
| Department of Insurance | 7,540.00 |
| Public Service Commission | 4,810.00 |
| Toxicology and Criminal Investigation | 17,810.00 |
| TOTAL | 405,680.00 |

The above appropriations shall be paid from such funds as the salaries of the State law enforcement officers are now paid and in no event shall the expenditures exceed the amounts hereinabove appropriated; and in no event shall any of the above amounts be paid from the State General Fund.

| | |
|---|---|
| Department of Public Safety | 300,000.00 |

The above appropriation to the Department of Public Safety shall be paid from the State General Fund and shall be used to pay the State law enforcement officers to carry out the provisions of this Act and in no event shall the expenditures exceed the amount hereinabove appropriated."

It is with a great deal of regret that I submit to you the foregoing Executive Amendment which materially and substantially reduces the amount of appropriations for the purpose of paying for the overtime worked by our many dedicated law enforcement officers. In fact, I am especially regretful because of my intimate and personal knowledge of the support, protection, and contribution made to the people of this State in these times of ever increasing crime rates. The many hours of additional time, over and beyond the call of duty, contributed by these individuals in times of grave public disasters, such as the unfortunate tornadoes and hurricanes of the past year, is evidence enough of their value to all of us.

Unfortunately, the bill which passed in the last Regular Session of this Legislature which required payment to overtime to law enforcement personnel, did not carry a corresponding appropriation; nor a measure to fund it. This casts upon those departments and agencies charged with carrying out this public responsibility an impossible task. In your efforts to correct this matter you have passed Senate Bill 50, which included almost Four-Million dollars in appropriation from the General Fund—the one fund which can least support it. In fact, I have been informed by the Finance Director and the Budget Office, that should this bill, carrying this appropriation become law, the General Fund will be in immediate proration causing all departments with law enforcement personnel, as well as other departments of State government, to immediately cut back, therefore, further reducing services to the people of this State.

I have been in consultation with the Director of the Department of Public Safety, who informs me that he can possibly get by, and without needlessly jeopardizing law enforcement services to our people, for a short time if the appropriation condition in this bill is substantially reduced. This will also give you an opportunity—either now or at your next session—to consider a funding bill for this appropriation.

The adoption of the above and foregoing Executive Amendment will remove my objections from this bill.

Respectfully,

GEORGE C. WALLACE,
Governor.

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, S. B. 50, by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 25, Nays 0.

And said Bill, S. B. 50, as amended by the Executive amendment, was again read at length and passed by a majority of the whole number elected to the Senate, said vote being: Yeas 25, Nays 0.

And said Bill, S. B. 50, together with the Executive Amendment, is herewith sent to the House for its consideration.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On Motion of Mr. Manley, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, S. 50, said Governor's amendment being set out in the above and foregoing Message from the Senate.

Yeas 60; Nays 0.

*Yeas:*

Mr. Speaker, Baker, Barron, Brindley, Callahan, Campbell, Cates, Crawford, Drake, Edwards, Falkenburg, Folmar, Ford, Gregg, Hall, Hilliard, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Merrill, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—60

And the bill:

S. 50. Amend Act No. 1180 of the 1975 Regular Session of the Alabama Legislature by changing the overtime provisions of said Act; defines state law enforcement officer and repeals all conflicting laws; and provides funding.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 67; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Baker, Barron, Brindley, Campbell, Carter, Cates, Cooper, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Goodwin, Gregg, Hall, Higginbotham, Hilliard, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Merrill, Moore (O), Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—67

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Foshee:

S. J. R. 29. CREATION OF A JOINT INTERIM COMMITTEE TO STUDY THE NEEDS OF VOCATIONAL EDUCATION IN ALABAMA.

WHEREAS, Vocational Education is a program designed to assist all persons of all ages, in all communities to compete successfully in an ever-changing labor market; and

WHEREAS, Vocational Education through its linkages with private and public employers, labor unions and advisory committees constitutes a unique system for bridging the gap between education and earning a living; and

WHEREAS, there have been great advances in Vocational Education in recent years and increased interest has been displayed by the population as a whole; and

WHEREAS, Vocational Education has a direct impact on unemployment and on the social and economic conditions in every community in Alabama; and

WHEREAS, Vocational Education opportunities must be made available throughout the State as a means of developing an economy that will sustain full employment; and

WHEREAS, the Legislature of the State of Alabama has the responsibility for appropriating funds to provide Vocational Education on the secondary, postsecondary and adult levels in keeping with social, economic and technological needs:

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to be composed of three members of the Senate and three members of the House to be appointed by the presiding officer of the respective Houses to study the needs of Vocational Education in Alabama. The membership of the committee shall elect from among its membership a chairman and vice chairman. The committee shall study the total needs of Vocational Education in all cities, counties and statewide and shall report in writing its findings and recommendations to the Legislature not later than the 6th legislative day of the next regular session, whereupon the committee shall be dissolved.

Each member of the committee shall be entitled to his regular legislative compensation, per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the Legislature, on warrants drawn on the State Comptroller upon requisition signed by the committee chairman.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Smith (C), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 29, said resolution being set out in the above and foregoing Message from the Senate.

## REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 74. MOURNING THE DEATH OF CLYDE N. TATE.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

## SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

## RECESS

On motion of Mr. Manley, the House recessed subject to the call of the Chair.

## HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has instructed the Secretary to return to the House of Representatives a Report, designated as a minority report by the House, on the grounds that no such report is authorized under the Constitution of Alabama, the Code of Alabama, the Rules of the two Houses, or precedent of the Alabama Legislature.

McDOWELL LEE,
Secretary.

## H. 9 RECONSIDERED

Having voted on the prevailing side, Mr. Owens offered the motion to reconsider the vote by which the minority substitute to the bill, H. 9, was adopted, and the motion was adopted.

Yeas 93; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—93

MINORITY SUBSTITUTE TABLED

On motion of Mr. Owens, the minority substitute to the bill, H. 9, was tabled.

Yeas 88; Nays 10.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (C), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—88

*Nays:*

Messrs.: Carothers, Dial, Higginbotham, Kennedy, McNair, Riddick, Smith (B), Smith (J), Sonnier and Venable.

—10

MOTION TO NON-CONCUR

Mr. Owens offered the motion that the House non-concur in the Report of the Committee on Conference on the disagreement of the two Houses to the Senate amendment to the bill, H. 9, and request a new Committee on Conference.

SUBSTITUTE MOTION TABLED

On motion of Mr. Manley, the substitute motion offered by Mr. Boles that the House concur in the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 9, was tabled.

Yeas 75; Nays 20.

*Yeas:*

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Falkenburg, Gafford, Glass, Gregg, Harris, Harrison, Higginbotham, Hilliard, Hines, Holley, Holmes, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Quarles, Rich, Riddick, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—75

*Nays:*

Messrs.: Armstrong, Boles, Brindley, Carter, Crowe, Folmar, Ford, Goodwin, Greer, Hall, Hill, Naramore, Plaster, Porter, Reed, Roberts, Smith (C), Starkey, Taylor and Tucker.

—20

The question was then on the motion previously offered by Mr. Owens that the House non-concur in the report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 9, and request a new Committee on Conference, and the motion was adopted.

Yeas 81; Nays 15.

*Yeas:*

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Gregg, Harris, Harrison, Higginbotham, Hilliard, Hines, Holley, Holmes, Jackson (F), Jackson (R), Johnson, Johnstone, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Porter, Rich, Riddick, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—81

*Nays:*

Messrs.: Armstrong, Brindley, Carter, Edwards, Ford, Goodwin, Greer, Hall, Hill, McNees, Naramore, Plaster, Quarles, Roberts and Smith (C).

—15

## COMMITTEE APPOINTED

The Speaker of the House appointed as a Committee on Conference on the part of the House, Messrs. Merrill, Manley and Gafford.

## RECESS

On motion of Mr. Callahan, the House recessed subject to the call of the House.

## HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

## REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 22. Relating to state and county prisoners; to authorize and direct the establishment of a joint state-county work-release program in each county of the state; to provide rules for establishment and operation of the program; to vest administrative and rule-making power in the board of corrections and county governing bodies; to provide for the amount and disposition of inmates' wages; to repeal or supercede conflicting laws; and to provide penalties for violations.

Also:

H. 99. To allow retired members of the Employees' and Teachers' Retirement Systems to become employed with any employer unit par-

ticipating in the Employees' and Teachers' Retirement Systems and to prescribe the limitations therefor.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 72. TO FIX A DAY FOR HOLDING THE ELECTION ON CONSTITUTIONAL AMENDMENTS PROPOSED AT THE CURRENT SESSION.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 27. MOURNING THE DEATH OF CLANTON WARE WILLIAMS.

Also:

S. J. R. 30. COMMENDING HUEYTOWN HIGH SCHOOL FOR WINNING THE GOVERNOR'S TROPHY IN THE NATIONAL VETERANS' DAY PARADE.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 138. To amend Act No. 1148, H. 600, Regular Session 1975, relating to the practice of optometry, by removing certain repetitious clauses, renumbering certain sub-paragraphs, and by correcting certain erroneous citations and conflicting paragraphs.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill and Senate Joint Resolution, your signature thereto is requested:

S. J. R. 29. CREATION OF A JOINT INTERIM COMMITTEE TO STUDY THE NEEDS OF VOCATIONAL EDUCATION IN ALABAMA.

Also:

S. 50. Amend Act No. 1180 of the 1975 Regular Session of the Alabama Legislature by changing the overtime provisions of said Act; defines state law enforcement officer and repeals all conflicting laws; and provides funding.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL AND SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill and Senate Joint Resolution, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a new Committee on Conference on the disagreement of the two Houses on the Bill:

H. 9. To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1976.

and has discharged its present Conferees.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Owen, Fine and McMillan.

McDOWELL LEE,
Secretary.

## REPORT OF THE CONFERENCE COMMITTEE ON HOUSE BILL 9

We, your Committee on Conference appointed to reconcile the differences between the two Houses on the Bill, House Bill 9, beg leave to report as follows:

That the House of Representatives and the Senate of Alabama adopt the accompanying Conference substitute.

Rep. Hugh Merrill
Rep. Robert C. Gafford
Rep. Richard Manley
Conferees on Part of the House

Senator L. D. Owen, Jr.
Senator Joe Fine
Senator George McMillan
Conferees on Part of the Senate

## A BILL
## TO BE ENTITLED
## AN ACT

To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1976.

Be It Enacted by the Legislature of Alabama:

Section 1. That for the purpose of this Act, the following classifications, definitions and restrictions shall be applicable: (a) "salary" and "other salaries", wherever appearing herein, shall mean the wages or other compensation for skill, work or employment for anyone performing services for the State of Alabama as an employee, officer or official, and shall be expended only for such purposes; (b) "other expenses" shall mean the operating costs of agencies, departments, boards, bureaus and institutions of the State, other than salaries and equipment purchases and shall be expended only for operating costs incident to the normal operations of such agencies, departments, boards, bureaus and institutions, including supplies and materials, postage, telephone, telegraph, express, travel expense, motor vehicle operations, lights, water, power, insurance and bonding, printing and binding, repairs, rental and items of general expense not defined as "equipment purchases", and the money appropriated therefor shall be expended only for such purposes; (c) "equipment purchases" shall mean those items of office equipment, motor vehicle equipment and other equipment which have an appreciable and calcuable period of usefulness in excess of one year; (d) "automotive equipment purchases" shall mean those items of motor vehicle equipment only and the money appropriated therefor shall be expended only for such purposes. The amounts herein appropriated for "equipment purchases" and "automotive equipment purchases" shall be decreased by the amount of the sale, trade-in or exchange of the items of equipment purchases and automotive equipment purchases as described in Section 1 (c) and (d) hereof. Provided, how-

ever, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

Section 2. The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1976, and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 3, Chapter 4, Title 55 of the Code of Alabama 1940) and shall be in the amounts specified in said sections.

Section 3. STATE BOARD OF EDUCATION:

| | | |
|---|---|---|
| A. For Adult Basic Education: | | |
| To be used to match Federal Funds for a removal of illiteracy program | | 300,000.00 |
| B. Athens College: | | |
| Operation and maintenance | | 1,000,000.00 |
| C. Civil Defense Survival Plan: | | |
| For salaries and other expenses only, in the operation of the Civil Defense Plan | | 17,000.00 |
| D. Civilian Rehabilitation: | | |
| For the vocational rehabilitation of handicapped individuals | 4,860,000.00 | |
| For the Governor's Committee on Employment of Handicapped | 40,000.00 | |
| For Medical Services, adjustment training and attendant care for paraplegics and quadraplegics | 800,000.00 | |
| Total | | 5,700,000.00 |
| E. For Compact for Education | | 15,750.00 |
| (To be expended in accordance with Act No. 1143, 1969 Regular Session.) | | |
| F. Coordination of In-School Television Program: | | |
| For salaries | 80,000.00 | |
| For other expenses | 19,000.00 | |
| For equipment purchases | 1,000.00 | |
| Total | | 100,000.00 |
| G. For Driver Education, School Bus Driver Training and Vehicle Safety Inspection: | | |
| For salaries | 218,000.00 | |

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|---|---|---|---|
| | For other expenses | 80,000.00 | |
| | For equipment purchases | 4,000.00 | |
| | Total | | 302,000.00 |
| H. | For Driver Education | | 4,415,000.00 |
| I. | Drug Education Program: | | |
| | For the necessary education on drug abuse | | 163,625.00 |
| J. | DEPARTMENT OF EDUCATION: | | |
| | (a) For the Department of Education: | | |
| | For the salary of the State Superintendent, Estimated | 40,000.00 | |
| | For other salaries | 1,036,992.00 | |
| | For other expenses | 160,000.00 | |
| | For rental expense | 475,000.00 | |
| | For equipment purchases | 20,000.00 | |
| | For transfer to State Personnel Department | 30,800.00 | |
| | Total | | 1,762,792.00 |
| | (b) For the "Right To Read Program" | | 50,000.00 |
| | (c) For operation of the Teacher Certification Program | | 200,000.00 |
| | (e) For Legal Reference Manuals for all Local School Boards | | 25,000.00 |
| | (f) For the City and County School Systems which participate in the Pilot Program of Educational Program Management Budgeting. The Systems participating shall be eligible upon certification by the Alabama Education Study Commission to the State Department of Education of the systems participating in this Pilot Program. All monies not used for this purpose shall revert to the Alabama Special Educational Trust Fund | | 70,000.00 |
| | (g) Regional Education | | 160,000.00 |
| | (h) For the Kindergarten Pilot Program | | 500,000.00 |
| K. | Elementary Teachers Scholarship Fund | | 25,000.00 |
| L. | Free Textbooks: | | |
| | For salaries | 63,332.00 | |
| | For other expenses | 40,000.00 | |
| | For disbursements to local boards | 62,250.00 | |

| | | |
|---|---|---|
| For equipment purchases | 1,000.00 | |
| For the repair of used and the purchase of new textbooks | 6,318,418.00 | |
| For operation of Course Study Commission | 15,000.00 | |
| Total | | 6,500,000.00 |

In either the 8th or 9th grade in every school system in this state, there shall be taught for one school year a course in Alabama Governmen, which course shall include City and County Governments in Alabama, the State Government of Alabama, including organization, duties and functions at city, county and state governmental levels, as well as their respective relationships with the Federal Government and its powers.

M. Alabama School of Fine Arts:

For operation and maintenance ..... 300,000.00

O. Junior College Equalization Account:

For operation and maintenance of the Junior Colleges listed below, to be distributed on a formula adopted by the State Board of Education ..... 28,437,100.00

(The above appropriation is to be distributed to the following Junior Colleges: (1) Alexander City State Junior College; (2) S. D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George Corley Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College.)

Of the amount appropriated to the Junior College Equalization Account, the sum of $575,000.00 shall be distributed to the Wallace Community College at Hanceville, Alabama.

Of the above appropriations contained herein in Section 3, paragraph O not more than the sum of $200,000.00 may be used by the State Board of Education for administration of the state junior college program.

Q. Of the amount above beginning with the fiscal year 1975-76 in addition to the salary received and all salary schedule increments due, all professional staff employed shall receive an increase of not less than twelve and seven-hundredths per centum (12.07%) of the state junior college salary schedule for the school year 1974-75.

R. To supplement federal funds available under the provisions of the Comprehensive Employment and Training Act ..... 350,000.00

S. Minimum Program Fund:

(a) In addition to all other funds appropriated for the public elementary and high schools of the State, there is hereby appropriated to the State Board of Education for the fiscal year ending September 30, 1976, the sum of $353,435,000.00 to be known as the Minimum Program Fund, which in accordance with the statutes and regulations of the State Board of Education relating to the expenditure of such fund, shall be used for providing a minimum term and for the equalization of educational opportunity in the public schools of the State; provided, that so much thereof as may be necessary of the above appropriations shall be used by the State Board of Education to provide for additional teacher units for each school system in the State which on the basis of current school attendance shall be entitled to additional teacher units over the number allowed based on the year immediately preceding said current year, provided further, that in no case shall a term of less than nine months in tax districts be approved, except that the State Board of Education, upon the recommendation of the State Superintendent of Education shall be authorized to make full allotments of funds to any school system for the time actually taught, if in the judgment of the State Superintendent of Education and the State Board of Education unusual conditions beyond the control of the local Board of Education in any school are such as to prevent the operation of that school for the required nine months minimum term; provided further, that the amount herein appropriated for the Minimum Program Fund shall include all monies earmarked for public school teachers' salaries as provided in the Income Tax Amendment ratified on the 26th day of August, 1947. The Minimum Program Fund shall also include any other appropriations of funds, either State or Federal, which may be designated by the Legislature as a part of the Minimum Program Fund.

(b) It is provided that from the appropriation hereinabove made the State Board of Education shall allocate and pay from said appropriation not less than three hundred fifty-five (355) additional teacher units for the program for exceptional children over and above the current allocation. Twenty-five (25) of the teacher units appropriated my be used in early education programs for exceptional children and twenty-five (25) teacher units may be used in regional multi-system, and/or state-wide programs for exceptional children. Anything to the contrary notwithstanding, no additional teacher units may be used for administration personnel.

(c) All special education units other than the early childhood and multi-system units, and units to reduce the number of pupils in grades 1-3 shall be allocated to local school systems on the basis of enrollment. Units earned by a system on this basis which are not used by such system may not be reallocated to other systems except those units necessary to guarantee school systems not less than the number of units allocated to them during the 1974-75 school year. Unallocated units shall remain earmarked for the systems designated for use during subsequent fiscal years.

(d) Two hundred and fifty dollars ($250) per teacher unit for grades K-6 and three hundred dollars ($300) per teacher unit for grades 7-12 is herein appropriated to the State Board of Education for all teachers employed (except ESEA Title I and Title III teachers and ESAA teachers) and shall be allocated to each county and city board of education for the purchase of instructional supplies, materials, and equipment, excluding furniture and fixtures. Each local county and city board of education shall allocate to the schools in their respective systems an amount as set forth hereinabove for each teacher unit in such

school provided from funds from the State. The faculty and principal of each school shall recommend to the superintendent the amount to be allocation to each school and teacher, approve or disapprove requisitions program within the school. The local school board shall determine the allocation to each school and teacher, approve or disapprove requisitions for purchases from these funds, and shall issue purchase orders and handle all financial transactions in compliance with this section. It is the intent of the legislature that no fees shall be collected in the future in courses required for graduation. In non-required courses local school boards may set reasonable fees for courses requiring laboratory and shop materials and equipment; provided, however, such fees shall be waived for students who cannot afford to pay the fees. This section shall not be construed to prohibit community groups or clubs from fund raising activities; provided, however, that students shall not be required to participate in such fund raising activities. Provided further, it is the intent of the Legislature that no local school board shall reduce the amount of funds which it allocated for the 1974-75 school year for the purchase of instructional materials and supplies. There is hereby appropriated in addition to that above the sum of $10,029,700.00.

(e) It is provided that beginning with the fiscal year 1975-76 that in addition to the salary now received, and all other local increment due, all teachers under the Minimum Program shall receive a salary increase as follows: AA teachers not less than twelve hundred thirty-two dollars (1232) per annum; Rank I teachers not less than one thousand one hundred sixty dollars ($1,160) per annum; Rank II teachers not less than one thousand dollars ($1,000) per annum; Rank III teachers not less than one thousand dollars ($1,000) per annum; Rank IV teachers not less than one thousand dollars ($1,000) per annum. Any county or city board of education failing to comply herewith shall not be entitled to participate in the Minimum Program Fund. All school bus drivers shall receive a salary increase of not less than twelve per centum (12%) per annum, and any county or city board of education failing to comply herewith shall not be entitled to share in the Minimum Program Fund.

It is provided that in addition to all units earned by the local school system under the Minimum Program Fund calculation one (1) extra unit or fraction thereof shall be awarded for each aggregate of fifteen (15) units or fraction thereof earned in said Minimum Program Fund calculation including regular, and special education units. The local school system shall assign to each school within the system at least the number of teacher units earned by that school using the Minimum Program Fund calculation and the additional units earned through the one (1) to fifteen (15) ratio as set forth herein. No school system may reduce during the school year the number of teachers it employed with the local funds during the school year 1974-75 except in instances where all schools within the system are accredited or have met every requirement of accreditation with respect to teacher/pupil ratios. The local school system shall furnish the State Department of Education such information as may be necessary to determine that the provisions of this section have been implemented.

(f) In addition to the appropriation hereinabove made to the Minimum Program, there is hereby appropriated funds for two (2) days personal leave at $17.00 per teacher unit for each teacher earned under the Minimum Program formula to be granted upon request of the teacher and administered by the State Board of Education and by local school boards under procedures governing sick leave for the fiscal year ending September 30, 1976, the sum of $1,138,218.00.

(g) In addition to the appropriation hereinabove made to the Minimum Program (sub-section S) and Vocational Education (sub-sec-

tion AA) and Driver Education (sub-section H) in grades 1-12, there is hereby appropriated the sum of Two Hundred Sixteen Dollars ($216.00) per annum per teacher, administrative or supervisory unit as located under the Minimum Program, Vocational Education Program and any other units paid from State or local funds to provide hospital-medical insurance assistance.

Provided further that any professional employee eligible for hospital-medical assistance who may be subject to coordination of benefits because of their coverage for hospital-medical assistance by carrier other than those selected under this act, be protected from such coordination of benefits to the extent provided by regulation No. 56 of Alabama Department of Insurance. It being the intent of this appropriation to provide hospital-medical insurance assistance to those qualified professional employees in the amount set forth in this appropriation and such insurance coverage not to be subject to coordination of benefits.

These funds shall be made available to local boards of education with a majority of the local participating professional employees selecting the plan(s) and the carrier(s) of the hospital-medical insurance in that system. Any funds not used in the fiscal year shall revert to the Alabama Special Educational Trust Fund. There is hereby appropriated the sum of $7,231,032.00 for the fiscal year ending September 30, 1976, for the purpose of carrying out the provisions of this sub-section.

(h) In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

The amount necessary for the payment of Board of Adjustment awards in accordance with the Minimum Program statutes and regulations.

For "Other Current Expenses" a sum of not to exceed $1,543.43 for each earned teacher unit.

For Principal Supplement the sum shall not exceed $72.00 for each earned teacher unit.

For Capital Outlay the sum shall not exceed $64.87 for each earned teacher unit.

Sick leave days shall be paid at the rate of $17.00 per day. The salary allotment shall be made in accordance with the schedule set out herein above.

The above appropriation contained in sub-section (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of $22,866,490.00.

The appropriation herein above set out for the fiscal year 1975-76 in the amount of $371,834,050.00 is based on 30,573 teacher units.

It is provided that in the event there are more than 30,573.00 earned teacher units in the fiscal year 1975-76, then such amounts as are necessary to pay for these excess teacher units is hereby appropriated.

It is further provided that in the event that there be less earned teacher units than those set out above than the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid out.

(i) In addition to teacher units allocated above, it is further provided that 300 additional regular teacher units shall be made available for allocation in grades 1-3 of the county and city school systems for the fiscal year ending September 30, 1976. It is the intent of the legislature that priority be given to reduction of class size in grades 1-3, therefore the Alabama Education Study Commission and the State Department of Education shall have the authority to insure that the intent of the legislature is implemented. Any teacher units allocated under the provisions of this section shall be used in grades 1-3 unless the pupil-teacher ratio of 25-1 has already been achieved. In such event, the units may be used in grades 4-6.

(j) In addition to all other teacher units allocated to Jackson County, it is further provided that one vocational agricultural teacher unit and one home economics teacher unit be allocated to Skyline High School and one vocational agricultural teacher unit and one home economics teacher unit be allocated to North Sand Mountain High School.

T. Minimum Program Account:

Trainable Retarded Children:

For the administration of a program for exceptional children and youth ..... 426,812.00

The appropriation hereinabove made shall be expended by the State Board of Education for the cost incurred by the State Department of Education in the administration of this program. The appropriation for Special Education is the same appropriation as set out in Act No. 67, approved June 27, 1963, and shall be expended in accordance with that Act.

U. National Defense Education Program ..... 275,000.00

V. Physical Restoration of Crippled Children (Crippled Children's Service):

| | | |
|---|---|---|
| For salaries | 450,000.00 | |
| For Handicapped Individuals | 2,800,000.00 | |
| Total | | 3,250,000.00 |

W. To the Department of Education for Plans and Surveys:

| | | |
|---|---|---|
| For salaries | 56,000.00 | |
| For other expenses | 16,500.00 | |
| Total | | 72,500.00 |

X. To the Department of Education for transfer to the State Telephone Revolving Fund ..... 859,512.00

XX. State Tenure Commission:

For expense of operation ..... 5,000.00

Y. (a) Vocational Education:

For salaries ..... 75,000.00

| | | |
|---|---|---|
| For other expenses | 37,150.00 | |
| For rental expense | 9,529.00 | |
| For equipment purchases | 1,500.00 | |
| Distributions to local boards and institutions | 28,812,220.00 | |
| Total | | 28,935,399.00 |

Of the amount listed above for the distribution to local boards of education beginning with the fiscal year 1975-76 in addition to the salary received and all salary increments due, all vocational teachers shall receive a salary increase of not less than twelve and seven hundredths per centum (12.07%) of the state vocational salary schedule for the school year 1974-75.

The appropriation hereinabove shall be disbursed or obligated in accordance with a formula adopted by the State Board of Education. The total allocation of vocational teacher units to each county and city board of education shall be at least equal to the number received by the respective board during the preceding fiscal year, and in addition thereto, a sum equal to the percentage equivalency based on months of employment, provided for in the minimum program salary increase contained in Section 3, paragraph Y (a).

In the event proration should become necessary due to the loss of Federal Vocational Funds, each local board shall be reduced by his prorata share under the adopted State Board of Education formula.

Any funds appropriated hereinabove in excess of the preceding fiscal year's distribution and in excess of the percentage salary equivalency under the Minimum Program provision shall be allocated by priorities to those boards that have less than their entitlement.

Funds appropriated hereinabove shall not be expended by the State Department of Education, local boards of education or institutions for contractual services to private profit agencies, organizations and institutions except for the purposes of the renovations, repair and rental of buildings and equipment.

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| (b) Vocational Education: | |
| For Pilot Agribusiness centers for personnel, equipment, facilities, and supplies for demonstration farm projects | 400,000.00 |
| (c) Vocational Education: | |
| For Industrial Development Training; to be used for industrial purposes only | 1,550,000.00 |
| (d) Walker State Technical College | 200,000.00 |
| Z. State Vocational Technical School Equalization Account: | |
| For the operations and maintenance of the Vocational Technical Schools listed below, to be distributed in accordance with a formula adopted by the State Board of Education | 21,936,000.00 |

Of the amount above beginning with the fiscal year 1975-76 in addition to the salary received and all salary schedule increments due, all professional staff employed shall receive an increase of not less than twelve and seven-hundredths per centum (12.07%) of the state vocational-technical salary schedule for the school year 1974-75.

(The above appropriation is to be distributed to the following Vocational Technical Schools: (1) Atmore State Technical Institute; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College-Technical Branch; (7) Carver State Technical Trade School; (8) J. F. Drake State Technical College; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Vocational School; (12) Theodore A. Lawson State Community College-Technical Branch; (13) Douglas MacArthur State Technical College; (14) Muscle Shoals Technical Institute; (15) Northwest Alabama State Technical College; (16) N. F. Nunnelley State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncey Sparks State Technical College; (23) Councill Trenholm State Technical College; (24) Tuscaloosa State Technical College; (25) Walker County State Trade School; (26) George Corley Wallace State Community College-Technical Branch (Selma); (27) George C. Wallace State Community College-Technical Branch (Dothan); (28) George C. Wallace State Technical Community College (Hanceville).)

Of the above appropriations contained herein in Section 3, paragraph Z not more than the sum of $200,000.00 may be used by the State Board of Education for administration of the Vocational Technical School Program.

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| AA. BOARD OF TRUSTEES OF THE AGRICULTURAL AND MECHANICAL UNIVERSITY: | |
| For the operation and maintenance of the University | 6,194,000.00 |
| BB. BOARD OF TRUSTEES OF ALABAMA STATE UNIVERSITY AT MONTGOMERY: | |
| For the operation and maintenance of Alabama State University at Montgomery | 5,414,000.00 |
| Section 4. BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA: | |
| A. The University: | |
| (1) For operation and maintenance | 26,350,000.00 |
| (2) Gadsden Cooperative Upper Division Program | 160,000.00 |
| (3) For Emotionally Disturbed Children | 362,000.00 |
| (4) College of Community Health Sciences | 1,500,000.00 |
| (5) For Public Service, Research and Extension | 1,516,000.00 |
| (6) For Nursing Scholarships | 18,000.00 |

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|---|---|
| (7) Psychology Department | 100,000.00 |
| (8) School of Nursing: | |
| For operation and maintenance | 200,000.00 |
| (9) Mine Resources Institute | 200,000.00 |
| (10) Museum of Natural History—Moundville State Park | 126,000.00 |
| (11) Family Practice Clinics | 375,000.00 |
| (12) Vocational Education Teacher Training | 100,000.00 |
| B. The University—Birmingham: | |
| (1) For the University College: | |
| Operation and maintenance | 9,655,000.00 |
| (2) For the School of Community and Allied Health Resources | 1,123,000.00 |
| (3) For the School of Dentistry: | |
| For operation and maintenance | 5,000,000.00 |
| (4) For Diabetes Clinics: | |
| For operation and maintenance | 250,000.00 |
| (5) For Extension, Public Service and Research | 500,000.00 |
| (6) Urology Department: | |
| Treatment, Research and Development | 400,000.00 |
| (7) Regional Technical Institute: | |
| For operation and maintenance | 1,034,000.00 |
| (8) For Joint Health Science Program: | |
| For operation and maintenance | 1,280,000.00 |
| (9) For Center for Labor Education and Research | 250,000.00 |
| (10) For Medical School: | |
| (a) For operation and maintenance | 9,132,000.00 |
| (b) For operation and maintenance of Medical Information Service via Telephone | 100,000.00 |
| (c) For Department of Pediatrics | 300,000.00 |
| (11) For Lurleen B. Wallace Cancer Program: | |
| For operation and maintenance | 250,000.00 |
| (12) For School of Nursing: | |
| For operation and maintenance | 1,644,000.00 |
| (13) For School of Nursing—Scholarships | 88,400.00 |

| | |
|---|---|
| (14) For Student Nurses-Loan Fund | 12,000.00 |
| (15) For School of Optometry: | |
| For operation and maintenance | 1,000,000.00 |
| (16) For the University Hospital and Clinics | 2,100,000.00 |
| (17) Spinal-Cord Injury Program | 175,000.00 |
| (18) For Family Residency Program: | |
| (a) Anniston | 200,000.00 |
| (b) Florence | 200,000.00 |
| (c) Jefferson County | 200,000.00 |
| (d) Tuscaloosa | 200,000.00 |
| (e) Montgomery | 200,000.00 |
| (f) Heflin | 50,000.00 |
| (19) For construction and renovation at Diabtes Research and Education Hospital in Birmingham: | 1,000,000.00 |
| C. The University—Huntsville: | |
| (1) For operation and maintenance | 4,356,000.00 |
| (2) (a) For School of Medicine (School of Primary Medical Care) | 1,900,000.00 |
| (b) For Ambulatory Care Center | 350,000.00 |
| (3) For Division of Nursing—Scholarships | 18,000.00 |
| (To be expended in accordance with Act No. 2290, 1971 Regular Session.) | |
| (4) Environmental Science Center | 250,000.00 |
| (5) Motor Vehicle Research Center (1.6% State Cost-Grant) | 50,000.00 |
| (6) School of Nursing | 600,000.00 |
| Section 5. BOARD OF TRUSTEES OF AUBURN UNIVERSITY: | |
| A. The College: | |
| (1) For operation and maintenance | 26,605,000.00 |
| (2) Engineering Experiment Station | 475,000.00 |
| (3) Television Education | 300,000.00 |
| (4) Center for Vocational and Adult Teacher Education (The funds provided in sub-section (4) shall be used for the support of undergraduate and graduate teacher education, research, and in-service extension activities in vocational, technical and adult education | 500,000.00 |

(5) Psychology Department ..... 100,000.00

(6) Wildlife Research Unit ..... 50,000.00

(7) Public Service, Research & Extension ..... 400,000.00

B. Agriculture Research:

Alabama Agriculture Experiment Station at Auburn, for work and experimentation ..... 5,460,000.00

That all research work and experimentation comtemplated by the spirit and purpose of this sub-section (b) shall be carried out under the supervision of the Director of the Agricultural Experiment Station System and the President of Auburn University, who shall make a complete report to the Board of Trustees of Auburn University for the fiscal year ending September 30, 1976.

The funds provided in this sub-section (c) shall be used for the support of researchers, experiments and investigations bearing upon and relating to the production, marketing, manufacturing, use and distribution of agricultural crops and products; for the production; marketing and curing of all kinds of livestock and livestock products that may be sold from or consumed on the farms of Alabama; for the production, culture, and use of pasture plants for the establishment, care, use and management of pastures; for the testing of all kinds of hay, food, and forage crops, including those that may be used for lawns and other sod crop purposes; for the testing of varieties of crops, including soil adaption and improvement; for the testing of fertilizers and fertilizer materials on the various soils and for various crops; for the production, marketing, storage, and curing of fruit, nut and vegetable crops; for the study of plant and animal disease and insect pests; for researches and experiments dealing with forest production, management and use; for researchers dealing with soil erosion and problems arising from the waste of land due to soil erosion, for researchers to discover new uses of land; for the provisions of necessary land, buildings, fencing livestock and other physical equipment needed for the research work herein provided for; for researchers in game and fish production; provided, however, that any researchers in game and fish production shall be in cooperation with or upon the advice of the Director of Conservation, so that there may be complete coordination between the work of the Alabama Agricultural Experiment Station and that of the State Department of Conservation; as future changing agricultural conditions may demand, for researches and experiments on other similar important agricultural and economic problems having for their object the development of a more permanent, profitable and diversified agriculture; and for the printing of the necessary bulletins, circulars, etc., in order that the citizens of Alabama may be acquainted with the results of said research.

C. Extension Work for Agriculture and Home Economics:

For advising, demonstrating and informing people of Alabama in agricultural, farm and home pursuits, and other extension services ..... 5,930,000.00

For payment of Employees Retirement in accordance with Act No. 697, 1975 Regular Session ..... 500,000.00

The appropriation herein made for the Extension Service shall be expended by the direction of the Board of Trustees of Auburn Uni-

versity through its Extension Service and shall be done in such manner as to make available the maximum amounts of aid from the Federal government.

D. Auburn University—Montgomery:

| | |
|---|---|
| For operation and maintenance | 4,410,000.00 |
| For Montgomery Area Community Health Sciences Institute | 110,000.00 |

Section 6. BOARD OF TRUSTEES OF JACKSONVILLE STATE UNIVERSITY:

| | |
|---|---|
| For operation and maintenance | 7,307,000.00 |
| For School of Nursing Scholarships (To be expended in accordance with Act No. 2288, 1971 Regular Session) | 18,000.00 |
| For Gadsden Program | 245,000.00 |

Section 7. BOARD OF TRUSTEES OF LIVINGSTON UNIVERSITY:

| | |
|---|---|
| For operation and maintenance | 2,475,000.00 |
| For School of Nursing Scholarships | 18,000.00 |

Section 8. BOARD OF TRUSTEES OF UNIVERSITY OF MONTEVALLO:

| | |
|---|---|
| For operation and maintenance | 4,218,000.00 |
| For Speech and Hearing Clinic | 150,000.00 |
| For operation and maintenance of a Highway Safety Program | 110,000.00 |

Section 9. BOARD OF TRUSTEES OF UNIVERSITY OF NORTH ALABAMA:

| | |
|---|---|
| For operation and maintenance | 5,000,000.00 |
| For School of Nursing Scholarships (To be expended in accordance with Act No. 2304, 1971 Regular Session) | 18,000.00 |

Section 10. BOARD OF TRUSTEES OF THE UNIVERSITY OF SOUTH ALABAMA:

| | |
|---|---|
| (a) For operation and maintenance | 7,442,000.00 |
| (b) For Coordinate College for Health Professions | 542,000.00 |
| (c) For operation and maintenance of a College of Medicine | 5,650,000.00 |
| (d) For Family Residency Program—Baldwin County | 200,000.00 |
| (e) For Nursing Scholarships (To be expended in accordance with Act No. 2302, 1971 Regular Session) | 18,000.00 |

(f) For Teaching Hospital ..... 850,000.00
(For unrestricted support of health professions education conducted in the University Hospital and Clinics)

Section 11. BOARD OF TRUSTEES OF TROY STATE UNIVERSITY:

(a) For operation and maintenance ..... 5,204,000.00

(b) For operation and maintenance of Troy State University at Montgomery ..... 165,000.00

(c) For operation and maintenance of Troy State University at Fort Rucker-Dothan ..... 165,000.00

(d) For School of Nursing-Scholarships .. 36,000.00

(To be expended in accordance with Act No. 2292, 1971 Regular Session)

(e) For Public Service Research and Extension ..... 200,000.00

Section 12. BOARD OF TRUSTEES OF ALABAMA INSTITUTE FOR DEAF AND BLIND:

(a) For operation and maintenance ..... 2,960,000.00

(b) For operation and maintenance of the Dept. of Adult Blind and Deaf .... 1,255,139.69

(c) For operation and maintenance of the State Library for the Blind ..... 60,000.00

(d) Of the amounts listed above it is provided that in the fiscal year 1975-1976 that in addition to the salary now received and all salary increments due, all non-vocational certificated employees shall receive a salary increase as follows: AA teachers not less than twelve hundred thirty-two dollars (1232) per annum; Rank I teachers not less than one thousand one hundred sixty dollars ($1,160) per annum; Rank II teachers not less than one thousand dollars ($1,000) per annum; Rank III teachers not less than one thousand dollars ($1,000) per annum; Rank IV teachers not less than one thousand dollars ($1,000) per annum. Further, in addition to salary now received and all salary increments due, all vocational teachers shall receive a salary increase of not less than twelve and seven hundredths per centum (12.07%) of the state vocational salary schedule for the school year 1974-75.

Also each certificated employee shall be allowed two hundred sixteen dollars ($216) to provide hospital-medical insurance assistance. A majority of the participating professional employees shall select the plan (s) and the carrier (s) of the hospital-medical insurance."

Section 13. DEBT SERVICE:

(1) For the payment of principal and interest due on bonds issued by Auburn University (Alabama Poly-

| | | |
|---|---|---|
| technic Institute) pursuant to Constitutional Amendment No. CXX | | 308,760.00 |
| (2) For the payment of principal and interest due on bonds issued by the University of Alabama pursuant to Constitutional Amendment No. CXLX | | 308,760.00 |
| (3) For the payment of principal and interest due on bonds issued by the University of Alabama Research Institute pursuant to Constitutional Amendment No. CLVII | | 207,025.85 |
| (4) Interest on Endowments: | | |
| For interest on University of Montevallo (Alabama College) Endowment, Estimated | 44,000.00 | |
| For interest on Auburn University Endowment | 20,280.00 | |
| For interest on University of Alabama Endowment | 61,000.00 | |
| For interest on Grove Hill Endowment | 600.00 | |
| For interest on Public School Fund Endowment: | | |
| Interest on 16th Section lands, Estimated | 285,000.00 | |
| Interest on School Indemnity lands, Estimated | 67,135.81 | |
| Interest on Valueless 16th Section lands | 5,825.47 | |
| Interest on Surplus Revenue | 26,763.47 | |
| Interest on James Wallace Fund | 275.25 | |
| Total | | 510,880.00 |

Section 14. BOARD OF DENTAL SCHOLARSHIP AWARDS:

For Dental Scholarships at the University of Alabama School of Dentistry or any other dental school accredited by the

| | | |
|---|---|---|
| Council of Dental Education of the American Dental Association | | 83,000.00 |
| (To be expended under the provisions of Act No. 792, 1965 Regular Session) | | |
| Section 15. EDUCATION OF DEPENDENTS OF BLIND PARENTS: | | |
| For reimbursement of every State Institution of Higher Learning, College, University, or State Trade School or Junior College, in which benefits are given to dependents of blind parents under the provisions of Act No. 281, 1966 Special Session, Estimated | | 6,930.00 |
| Section 16. ALABAMA EDUCATION STUDY COMMISSION: | | |
| To be used for educational studies in accordance with Act No. 15, 1969 Special Session: | | |
| For salaries, other expenses and equipment purchases | | 205,000.00 |
| Section 16 A. COMMISSION ON HIGHER EDUCATION: | | |
| For salaries and other expenses | | 200,000.00 |
| (No salary of any employee of the Commission shall exceed the salary paid to the State Superintendent of Education.) | | |
| (To be expended in accordance with Act No. 14, 1969 Special Session) | | |
| Section 17. ALABAMA EDUCATIONAL TELEVISION COMMISSION: | | |
| For salaries | 714,000.00 | |
| For other expenses | 500,000.00 | |
| For equipment purchases | 241,000.00 | |
| For automotive equipment purchases | 10,000.00 | |
| For programming | 375,000.00 | |
| Total | | 1,840,000.00 |
| Section 18. DEPARTMENT OF PUBLIC HEALTH: | | |
| For transfer to the Department of Health: | | |
| For Immunization of Pre-School and students | 250,000.00 | |

| | | | |
|---|---|---|---|
| | For Public School Food Sanitation Program | 250,000.00 | |
| | Total | | 500,000.00 |
| Section 19. | Pike County Family Practice Clinic for operation and maintenance of a Family Practice Clinic in Pike County (Provided that the aforesaid Family Practice Clinic shall be operated by either the Family Residency Program of the University of Alabama at Birmingham, or by the Family Residency Program of the University of South Alabama, or jointly by both Universities. | | 200,000.00 |
| Section 20. | MARINE ENVIRONMENTAL CONSORTORIUM: | | |
| | For operation and maintenance | | 325,000.00 |
| Section 21. | MEDICAL SCHOLARSHIPS BOARD: | | |
| | For Medical Scholarships at the University of Alabama Medical School (To be expended under the provisions of Act No. 278, 1965 1st Special Session) | | 135,000.00 |
| Section 22. | MONTGOMERY INSTITUTE FOR NEUROLOGICAL DEVELOPMENT | | 25,000.00 |
| Section 23. | ALABAMA PUBLIC LIBRARY SERVICE: | | |
| | State Aid to Counties | | 650,000.00 |
| Section 24. | SOCIAL SECURITY: | | |
| | For State's share of Social Security, Estimated | | 28,000,000.00 |
| Section 25. | SYLACAUGA NURSES TRAINING SCHOOL: | | |
| | For operation and maintenance | | 40,000.00 |
| | For School of Nursing Scholarships (To be expended in accordance with Act No. 2393, 1971 Regular Session) | | 18,000.00 |
| Section 26. | BOARD OF CONTROL OF THE TEACHERS' RETIREMENT SYSTEM: | | |
| | For Teachers' Retirement System, Estimated | | 90,000,000.00 |
| | The above appropriation shall be expended in accordance with the statutes and regulations now or hereafter existing relating to the expenditure of such Teachers' Retirement Fund. | | |
| | For Teachers' Special Pension Fund, Estimated | | 4,000,000.00 |

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| Section 27. | VETERANS EDUCATION BENEFITS: | | |
| | For reimbursment to every State Institution of Higher Learning, College, University, or State Trade School or Junior College, in which benefits are given to veterans, their wives, widows, or children under the provision of Act no. 767, 1965 Regular Session, Estimated | | 900,000.00 |
| Section 28. | JOHN M. WILL MEMORIAL SCHOLARSHIP FOUNDATION | | 1,000.00 |
| Section 29. | YOUTH SERVICES BOARD: | | |
| | For operation and maintenance | | 5,100,000.00 |
| | For salaries of Probation Officers (To be expended in accordance with Act No. 816, 1973 Regular Session) | | 950,000.00 |
| | Youth Services Board—For Administration | | 400,000.00 |
| Section 30. | BIRMINGHAM TRAINING CENTER FOR BRAIN INJURED | | 29,100.00 |
| Section 31. | ALABAMA LAW INSTITUTE FOR LIBRARY BOOKS | | 64,000.00 |
| Section 32. | ALABAMA LEARNING RESOURCES CENTER (Instructional Materials Center) | | 60,000.00 |
| Section 33. | COMMISSION ON PHYSICAL FITNESS: | | |
| | For salaries | 48,300.00 | |
| | For other expenses | 13,200.00 | |
| | For equipment purchases | 500.00 | |
| | Total | | 62,000.00 |
| Section 34. | PUBLIC LIBRARY SERVICE: | | |
| | For salaries | 114,000.00 | |
| | For other expenses | 28,000.00 | |
| | For books and periodicals | 36,000.00 | |
| | Total | | 178,000.00 |
| Section 35. | ALABAMA LAW INSTITUTE | | 125,000.00 |
| Section 36. | ALABAMA LAW ENFORCEMENT PLANNING AGENCY: | | |
| | For operation and maintenance of a law enforcement academy at Troy State University | 55,000.00 | |

| | | |
|---|---|---|
| For operation and maintenance of a law enforcement academy at Jacksonville State University | 55,000.00 | |
| For operation and maintenance of a law enforcement academy at John C. Calhoun Junior College | 55,000.00 | |
| For operation and maintenance of a law enforcement academy at Jefferson State Junior College | 55,000.00 | |
| Total | | 220,000.00 |

Section 37. WALKER COUNTY BOARD OF EDUCATION:

For the use of the Sumiton Elementary ... 500,000.00

Section 38. HENRY COUNTY BOARD OF EDUCATION:

For capital outlay purposes ... 300,000.00

Section 39. BIRMINGHAM CITY BOARD OF EDUCATION:

For Speech and Hearing Clinic ... 100,000.00

Section 40. WINFIELD CITY BOARD OF EDUCATION:

For Capital Outlay ... 300,000.00

Section 41. MORGAN COUNTY BOARD OF EDUCATION:

Falkville High School

For the construction of a gymnasium ... 300,000.00

Section 42. BIRMINGHAM SYMPHONY ASSOCIATION, INC. ... 100,000.00

(To be used for the support and maintenance of an expanded statewide music education program by the official Symphony of the State of Alabama for the young people in the primary and secondary schools and to be expended with the advice of a committee composed of the State Superintendent of Education and four persons appointed by him and the President of the Birmingham Symphony Association and four persons appointed by him.)

Section 43. ARAB CITY BOARD OF EDUCATION ... 450,000.00

Section 44. STATE BOARD OF EDUCATION:

For additional construction and equipping of the Atmore State Technical Institute ..... 228,000.00

Section 45. LOWNDES COUNTY BOARD OF EDUCATION:

For construction and equipping a burned school in Lowndes County ..... 300,000.00

Section 46. LAUDERDALE COUNTY BOARD OF EDUCATION:

For capital outlay purposes for Central School ..... 380,000.00

Section 47. BULLOCK COUNTY SCHOOL BOARD:

For burned out school buildings ..... 250,000.00

Section 48. MACON COUNTY SCHOOL BOARD:

For burned out school buildings ..... 250,000.00

Section 49. PERRY COUNTY BOARD OF EDUCATION:

For capital outlay purposes for the school located in Heiberger Community ..... 300,000.00

Section 50. THE ALABAMA POST-SECONDARY 1202 COMMISSION:

For the Alabama Student Assistance Program ..... 350,000.00

Section 51. ALABAMA PEACE OFFICERS AND STANDARDS TRAINING COMMISSION ..... 50,000.00

Section 52. GADSDEN CITY BOARD OF EDUCATION:

For Capital Outlay ..... 300,000.00

Section 53. CHILTON COUNTY BOARD OF EDUCATION:

For Capital Outlay ..... 450,000.00

Section 54. ALABAMA FIREFIGHTERS PERSONNEL STANDARDS EDUCATION COMMISSION ..... 30,000.00

Section 55. ALABAMA COUNCIL ON THE ARTS AND HUMANITIES ..... 150,000.00

Section 56. COVINGTON COUNTY BOARD OF EDUCATION:

For construction and equipment purchases at Red Level Grammar School ..... 450,000.00

Section 57. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations and governing the expenditure or disbursement of any and all funds provided for in this Act, whereupon the Comptroller, shall issue his warrant therefor; provided, that all appropriations and funds made available to the University of Montevallo, the University of Alabama, the University of South Alabama, Auburn University, the Institute for the Deaf and Blind, the Youth Services Board, the Alabama Educational Television Commission, Teachers' Retirement System, University of North Alabama, Jacksonville State University, Livingston State University, Troy State University, Agricultural and Mechanical University, Alabama State University and the State Social Security Board by the provisions of this Act shall be paid by request to the Comptroller made in the manner now provided by law.

Section 58. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act, or all or any portion of any appropriation or appropriations herein made, be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision, or portion of this Act, or any other appropriation or portion thereof made not in and of itself unconstitutional or invalid.

Section 59. This Act shall become effective on October 1, 1975.

REPORT OF COMMITTEE ON CONFERENCE ADOPTED

On motion of Mr. Merrill, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 9, said report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 54; Nays 45.

*Yeas:*

Messrs.: Albright, Armstrong, Baker, Boles, Brindley, Carter, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Hines, Holley, Holmes, Jackson (F), Johnson, Lee, LeFlore, McNees, Martin, Merrill, Mitchem, Naramore, Plaster, Porter, Reed, Rich, Roberts, Sasser, Shelton, Smith (C), Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Waggoner, Weeks, Whatley, White and Wyatt.

—54

*Nays:*

Mr. Speaker, Barron, Biddle, Callahan, Campbell, Carothers, Cates, Clark, Dial, Gafford, Glass, Gregg, Harrison, Higginbotham, Howard, Johnstone, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Malone, Manley, Moore (O), Moore (W), Morris, Owens, Pegues, Quarles, Riddick, Robertson, Sandusky, Smith (B), Smith (J), Smith (M), Sonnier, Venable, Warren and Williams.

—45

And the bill:

H. 9. To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1976.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 56; Nays 44.

*Yeas:*

Messrs.: Albright, Armstrong, Baker, Boles, Brindley, Carter, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Folmar, Ford, Goodwin, Greer, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes, Jackson (F), Jackson (R), Johnson, Lee, LeFlore, McNees, Martin, Merrill, Mitchem, Naramore, Plaster, Porter, Reed, Rich, Roberts, Sasser, Shelton, Smith (C), Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Weeks, Whatley, White and Wyatt.

—56

*Nays:*

Mr. Speaker, Barron, Biddle, Callahan, Campbell, Carothers, Cates, Clark, Dial, Falkenburg, Gafford, Glass, Gregg, Higginbotham, Howard, Johnstone, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Malone, Manley, Moore (O), Moore (W), Morris, Owens, Pegues, Quarles, Riddick, Robertson, Sandusky, Smith (B), Smith (J), Smith (M), Sonnier, Warren and Williams.

—44

## RESOLUTION

The following resolution was introduced:

By Messrs.: Jackson (R), Tucker, Hilliard, McNair, Harrison, Cooper and Reed:

H. J. R. 79. Naming Representative Thomas Reed and Antonio L. Harrison to attend as Representatives of this House at the Third National Institute for Black Elected Public Officials.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Representatives Thomas Reed and Antonio L. Harrison be and are hereby appointed the representatives of this body at the Third National Institute for Black Elected Public Officials on December 11-13, 1975, in Washington, D. C.

RESOLVED FURTHER, That Representatives Reed and Harrison shall be entitled to reimbursement for their reasonable and necessary expenses incurred, and documented, in traveling to and from and attending said function, to be paid from funds appropriated to the use of the Legislature.

## MOTION TO SUSPEND RULES

Mr. Tucker offered the motion to suspend the rules in order to bring up for immediate consideration, the resolution, H. J. R. 79.

## MOTION TO POSTPONE

Mr. Hilliard offered the motion to postpone the resolution, H. J. R. 79, to the eighth legislative day.

## SUBSTITUTE MOTION OFFERED

Mr. Holmes offered the substitute motion that the resolution H. J. R. 79, be postponed to the ninth legislative day.

MOTION TO TABLE LOST

The motion offered by Mr. Tucker to table the substitute motion offered by Mr. Holmes, was lost.

Mr. Gafford offered the following amendment to the resolution, H. J. R. 79:

Amend H. J. R. 79 as follows:

Strike Antonio Harrison and add in lieu thereof Ed Robertson.

And the amendment was adopted.

H. J. R. 79 POSTPONED

The question was then on the substitute motion offered by Mr. Holmes that the resolution, H. J. R. 79 as amended, be postponed to the ninth legislative day, and the substitute motion was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 9. To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1976.

And said Bill, H. B. 9, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 53. To designate and name certain buildings at the Chattahoochee Valley Community College.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Baker, the House concurred in and adopted the Senate amendment to the bill, H. 53, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To designate and name certain buildings at the Chattahoochee Valley Community College.

Be It Enacted by the Legislature of Alabama:

Section 1. The Administrative Building and the classroom building at the Chattachoochee Valley Community College shall be designated

and named The Wilson Hall Complex in honor of the Wilson family that donated part of the land upon which the college is located.

Section 2. The administrative authorities at Chattahoochee Valley Community College shall properly designate such buildings by appropriate signs or markings.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 83; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Holmes, Jackson (F), Jackson (R), Johnstone, Kennedy, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C) Smith (J), Smith (M), Sonniier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—83

And the bill, H. 53 as thus amended, was again read at length and passed.

Yeas 92; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Jackson (F), Jackson (R), Johnstone, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—92

## MOTION TO RECONSIDER ADOPTED

Having voted on the prevaling side, Mr. Greer offered the motion to reconsider the vote by which the bill, S. 123 as amended, was passed, and the motion was adopted.

Yeas 81; Nays 0.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Ken-

nedy, Killian, Lee, LeFlore, Leonard, Lewis, Lutz, McCluskey, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White and Williams.

—81

The Clerk was directed to request the return of the bill, S. 123, from the Senate for further consideration by the House.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has refused to accept the amendment proposed by His Excellency, the Governor, to the Bill:

H. 214. To equalize the benefits payable under the Employees' Retirement System of Alabama and the Teachers' Retirement System of Alabama; to provide members of the Employees' Retirement System with up to four years military credit, retroactive to October 1, 1975, and full retirement after thirty years of service, regardless of age, as has been previously granted members of the Teachers' Retirement System; to provide members of the Teachers' Retirement System retirement benefits based upon a final average compensation calculated upon the three highest of the last ten years of service, which has been previously granted members of the Employees' Retirement System; to provide for an increase in certain member contributions in order to insure future soundness and stability of the funds administered by the Retirement Systems of Alabama; and to provide for a long term decrease in the employer cost of funding said retirement systems and to provide that no appropriation is needed or required to implement the provisions of this Act.

by a vote of: Yeas 21, Nays 6, which was a majority of the whole number elected to the Senate.

And the Senate reconsidered the Bill, H. B. 214.

And said Bill, H. B. 214, was again read at length and passed, the Governor's objections to the contrary notwithstanding, by a vote of Yeas 25, Nays 1, which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 214, together with the amendment proposed by His Excellency, the Governor, is herewith returned to the House.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The House proceeded to reconsider the bill, H. 214. The question was on the passage of the bill, H. 214, the Governor's objections to the contrary notwithstanding.

Mr. Sasser moved passage of the bill, H. 214, the Governor's objections to the contrary notwithstanding, and the motion was adopted.

Yeas 54; Nays 34.

*Yeas:*

Messrs.: Armstrong, Baker, Brindley, Campbell, Carothers, Cates, Coburn, Cross, Dial, Folmar, Ford, Goodwin, Greer, Hall, Harris, Hill, Hines,

Holley, Holmes, Johnson, Johnstone, Lee, LeFlore, Lewis, Lockett, McCluskey, McNair, McNees, Malone, Martin, Merrill, Mitchem, Pegues, Plaster, Porter, Reed, Rich, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sparks, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—54

*Nays:*

Mr. Speaker, Albright, Andrews, Barron, Biddle, Boles, Callahan, Clark, Cooper, Crowe, Falkenburg, Gafford, Glass, Harrison, Higginbotham, Hilliard, Jackson (F), Jackson (R), Kennedy, Killian, Kinsey, Leonard, Lutz, McMillan, Moore (O), Moore (W), Naramore, Robertson, Sandusky, Smith (M), Sonnier, Starkey, Trammell and Tucker.

—34

Which was a majority of the whole number elected to the House.

And the bill, H. 214, was again read at length and passed, the Governor's objections to the contrary notwithstanding.

Yeas 58; Nays 35.

*Yeas:*

Messrs.: Armstrong, Baker, Boles, Brindley, Campbell, Carothers, Carter, Cates, Cross, Dial, Edwards, Folmar, Ford, Goodwin, Greer, Harris, Harrison, Hill, Hines, Holley, Holmes, Hopping, Johnson, Johnstone, Lee, LeFlore, Lewis, Lockett, McCluskey, McNees, Malone, Martin, Merrill, Mitchem, Morris, Pegues, Plaster, Porter, Reed, Rich, Roberts Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—58

*Nays:*

Mr. Speaker, Albright, Andrews, Barron, Biddle, Callahan, Clark, Coburn, Cooper, Crowe, Falkenburg, Gafford, Glass, Hall, Higginbotham, Hilliard, Jackson (F), Jackson (R), Kennedy, Killian, Kinsey, Leonard, Lutz, McCulley, McMillan, Moore (O), Moore (W), Naramore, Quarles, Robertson, Sandusky, Smith (M), Starkey, Trammell and Tucker.

—35

Which was a majority of the whole number elected to the House.

## RECESS

On motion of Mr. Gafford, the House stood in informal recess.

## HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

## CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:30 A.M. On November 13, 1975

H. 214

Delivered to the Governor at 2:10 P.M. On November 13, 1975

H. 240
H. 47
H. 182
H. 16
H. 14
H. 210
H. 95
H. 90
H. J. R. 59

Delivered to the Governor at 5:45 P.M. On November 13, 1975

H. 171
H. 178
H. 160
H. 242
H. 222
H. 241
H. 217
H. 195
H. 63
H. 133
H. 128
H. 120
H. J. R. 62
H. J. R. 63
H. J. R. 56
H. J. R. 60

Delivered to the Governor at 6:10 P.M. On November 13, 1975

H. 202
H. J. R. 69

Delivered to the Governor at 8:30 P.M. On November 13, 1975

H. J. R. 74

Delivered to the Governor at 9:30 P.M. On November 13, 1975

H. 22
H. 99
H. J. R. 72

JOHN W. PEMBERTON,
Clerk.

The hour of 12:00 o'clock, midnight having arrived, the Speaker declared the seventh legislative day had ended and, no motion to adjourn having been offered, the Speaker, at 12:01, a.m., November 14, 1975, called the House in order for the eighth legislative day.

## EIGHTH DAY

House of Representatives
Montgomery, Alabama
Friday, November 14, 1975

## PRAYER

The session was opened with prayer by Representative Murray McCluskey, Sylacauga, Alabama.

## ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—104

A quorum was present.

## REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the seventh legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the seventh legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the seventh legislative day was approved.

## REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 9. To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1976.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 53. To designate and name certain buildings at the Chattahoochee Valley Community College.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

RECESS

On motion of Mr. Owens, the House recessed until 10:00 o'clock a.m.

HOUSE RECONVENED

The hour of 10:00 o'clock a.m. having arrived, the House reconvened. The Speaker called the House to order.

PRAYER

The Reverend Levi Sides, Capitol Heights Church of Christ, Montgomery, Alabama, led the session in prayer.

BILLS ON SECOND READING

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 141. To repeal Act No. 646, H. 1665, 1973 Regular Session (Acts of 1973, p. 960), entitled "An Act Relating to counties having a population of not less than 90,000 nor more than 100,000, according to the most recent federal decennial census; levying privilege or license taxes upon sellers, distributors, storers, or users of malt or brewed beverages; providing for the administration of the act by the county commission, board of revenue, or like governing body of such counties and the collection and distribution of the proceeds of the tax; prescribing penalties for violations."

S. 143. To repeal Act No. 996, H. 1845, 1973 Regular Session (Acts of 1973, p. 1509), entitled "An Act Relating to counties having a popula-

tion of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census; to impose certain additional privilege or license taxes upon the sale of malt or brewed beverages in certain areas of said counties, and to provide for the collection and distribution of said taxes."

## RESOLUTIONS

The following resolutions were introduced:

By Messrs. Tucker and Jackson (R):

H. J. R. 80. Naming Representative Thomas Reed, Alvin Holmes and Antonio L. Harrison to attend as Representatives of this House at the Third National Institute for Black Elected Public Officials.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Representative Thomas Reed, Alvin Holmes and Antonio L. Harrison be and are hereby appointed the representatives of this body at the Third National Institute for Black Elected Public Officials on December 11-13, 1975, in Washington, D. C.

RESOLVED FURTHER, That Representatives Reed, Holmes and Harrison shall be entitled to reimbursement for their reasonable and necessary expenses incurred, and documented, in traveling to and from and attending said function, to be paid from funds appropriated to the use of the Legislature.

## MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Tucker to suspend the rules in order to bring up for immediate consideration the resolution, H. J. R. 80, was lost, lacking a four-fifths vote.

Yeas 21; Nays 15.

*Yeas:*

Messrs.: Armstrong, Brindley, Carter, Dial, Glass, Hall, Jackson, (R), Leonard, McNees, Malone, Manley, Martin, Merrill, Plaster, Reed, Roberts, Shelton, Smith (J), Sparks, Starkey and Teague.

—21

*Nays:*

Messrs.: Barron, Callahan, Campbell, Harris, Jackson (F), Kinsey, McMillan, Sandusky, Smith (B), Smith (C), Smith (M), Trammell, Venable, Waggoner and White.

—15

And the resolution, H. J. R. 80, was read and referred to the Standing Committee on Rules.

Also:

By Mr. White:

H. R. 81. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when the House adjourns today, it adjourns to meet again on Monday, November 17, 1975, at 4:00 o'clock P.M.

On motion of Mr. White, the rules were suspended and the resolution, H. R. 81, was adopted.

Also:

By Messrs. McMillan and Kinsey:

H. J. R. 82. CONGRATULATING MRS. FLORENCE "TINY" BARRON FOR BEING SELECTED "STATE NURSE OF THE YEAR"

WHEREAS, Mrs. Florence "Tiny" Barron of Bay Minette, Alabama was recently selected "Nurse of the Year for District Eight"; and

WHEREAS Mrs. Barron, head nurse at the Bay Minette Infirmary, has more recently been named "State Nurse of the Year"; and

WHEREAS the Bay Minette community is proud of their Mrs. Barron and her outstanding achievements in the field of nursing; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Mrs. Florence "Tiny" Barron for being selected "State Nurse of the Year".

RESOLVED FURTHER That a copy of this resolution be presented to Mrs. Barron.

On motion of Mr. McMillan, the rules were suspended and the resolution, H. J. R. 82, was adopted.

Also:

By Mr. Pegues:

H. R. 83. BE IT RESOLVED That the Senior Black member, that being the Black legislator with longest length of service in the Alabama Legislature, be designated as the official representative of the State of Alabama at the National Meeting of Black Elected Officials held in Washington, D. C. and that his reasonable expenses be paid by the State of Alabama.

Mr. Pegues offered the motion to suspend the rules in order to take up for immediate consideration the resolution, H. R. 83.

DIVISION OF THE QUESTION

Mr. Harris called for the Division of the Question, and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Mr. Pegues to suspend the rules in order to take up for immediate consideration the resolution, H. R. 83, and the motion was lost.

The resolution, H. R. 83, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Venable:

H. J. R. 84. WHEREAS, the Alabama Legislature failed to approve an education budget during the Regular Session, and

WHEREAS, the Legislative activities during 1975 have been the most expensive in history, and

WHEREAS, the people of Alabama are generally displeased with the length of time the Legislature has been in Montgomery.

Now, therefore, BE IT RESOLVED BY THE LEGISLATURE, BOTH HOUSES CONCURRING,

That in order to save the taxpayers of Alabama money and to show good faith with the people of Alabama, the members of the Legislature do forego all expenses not authorized by the State Constitution on those days on which the legislature does not meet.

Mr. Venable offered the motion to suspend the rules and adopt the resolution, H. J. R. 84.

DIVISION OF THE QUESTION

Mr. Callahan called for the Division of the Question, and the call was sustained.

AMENDMENT OFFERED

Mr. Gafford offered the following amendment to the resolution:

Amend H. J. R. 84 by adding at the end of the resolution the words "for Mr. Venable"

MOTION TO TABLE ADOPTED

The motion offered by Mr. Crowe to table the amendment offered by Mr. Gafford to the resolution, H. J. R. 84, was adopted.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Mr. Venable to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 84, and the motion was lost.

The resolution, H. J. R. 84, was read and referred to the Standing Committee on Rules.

Also:

By Messrs. Riddick, Smith (B) and Lutz:

H. J. R. 85. COMMENDING GRISSOM HIGH SCHOOL BAND OF HUNTSVILLE.

WHEREAS the Grissom High School Band has consistently worked diligently, long and hard to achieve musical perfection; and

WHEREAS Mr. Dave Ward, Director of the band, is due much of the credit for the high degree of performance and technical skill displayed by the band; and

WHEREAS Mr. Sid Ingram, as principal of Grissom High School, has given much support to the band; and

WHEREAS the performance of the band has consistently been rated superior and has maintained a mark of excellence in its performances. The band's superior rating has been the result of hard work on the part of the individual band members and their parents; and

WHEREAS as a direct result of superior past performance, the Grissom High School Band has been invited by the screening committee of the Parade of States Day to play at the Kennedy Center as part of the 1976 bicentennial celebration; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Grissom High School Band for its outstanding record.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal, Mr. Sid Ingram, the band director, Mr. Dave Ward, his assistants and one to the band membership.

On motion of Mr. Riddick, the rules were suspended and the resolution, H. J. R. 85, was adopted.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Secretary of State at 10:45 A.M. On November 14, 1975.

H. 13

H. 214 (Gov.'s objection to the contrary notwithstanding)

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Mr. Crowe and pursuant to the resolution, H. R. 81 heretofore adopted, the House adjourned until 4:00 o'clock p.m., Monday, November 17, 1975.

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NINTH DAY

House of Representatives
Montgomery, Alabama
Saturday, November 15, 1975

The House did not meet today.

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TENTH DAY

House of Representatives
Montgomery, Alabama
Sunday, November 16, 1975

The House did not meet today.

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ELEVENTH DAY

House of Representatives
Montgomery, Alabama
Monday, November 17, 1975

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Lester Spencer, Pastor, Aldersgate United Methodist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt.

—103

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eighth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the eighth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the eighth legislative day was approved.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the ninth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the ninth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the ninth legislative day was approved.

## REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the tenth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the tenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the tenth legislative day was approved.

## RESOLUTION

The following resolution was introduced:

By Messrs. Ford and Taylor:

H. J. R. 86. CONGRATULATING MRS. DORA JEAN HILL FOR BEING SELECTED AS THE 1975 CLASSROOM TEACHER OF THE YEAR.

WHEREAS, Mrs. Dora Jean Hill, who teaches in Gadsden High School, has recently received the 1975 "Classroom Teacher of the Year" award; and

WHEREAS, Mrs. Hill, whose influence in the field of teaching is extremely respected, was the first high school teacher to be inducted into the Jacksonville State University Teachers Hall of Fame; and

WHEREAS, Mrs. Hill was a co-organizer of the State Federation of Spanish Clubs, and three of Mrs. Hill's spanish students have been ranked in the top five spanish-speaking students nationally; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Mrs. Dora Jean Hill for being selected the 1975 Classroom Teacher of the Year.

RESOLVED FURTHER, That a copy of this resolution be sent to Mrs. Hill.

On motion of Mr. Ford, the rules were suspended and the resolution, H. J. R. 86, was adopted.

## LEAVE OF ABSENCE

At the request of Mr. Smith (J), leave of absence was granted for Mr. Carothers, due to illness.

## RESOLUTION

The following resolution was introduced:

By Mr. Plaster:

H. J. R. 87. CONGRATULATING THE AUTAUGA ACADEMY FOOTBALL TEAM ON ITS FINE SEASON.

WHEREAS the Autauga Academy football team has just completed one of the best seasons in the school's history establishing a school record of ten wins and only one loss; and

WHEREAS this team is the first team in the school's history to make the state play-offs; and

WHEREAS Coach Steve McCord and his assistant coach Lamar Penn have shown great leadership in the basics as well as the finer points of the art of football and have instilled in the boys the principle of good sportsmanship; and

WHEREAS we believe the actions of these fine young men on the football field are reflective of the school, faculty, parents and the good citizens of Autauga County; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend the Autauga Academy football team for its outstanding record.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal, coaches and each member of the football team.

On motion of Mr. Plaster, the rules were suspended and the resolution, H. J. R. 87, was adopted.

## BILLS ON THIRD READING

And the bill:

S. 141. To repeal Act No. 646, H. 1665, 1973 Regular Session (Acts of 1973, p. 960), entitled "An Act Relating to counties having a population of not less than 90,000 nor more than 100,000, according to the most recent federal decennial census; levying privilege or license taxes upon sellers, distributors, storers, or users of malt or brewed beverages; providing for the administration of the act by the county commission, board of revenue, or like governing body of such counties and the collection and distribution of the proceeds of the tax; prescribing penalties for violations."

Was taken up.

Mr. Rich offered the following amendment to the bill:

Amend S. 141, page 1, lines 35, 36 and 37, by striking out Section 2 entirely and inserting in lieu thereof the following new section.

Section 2. This act shall become effective on the first day of the fourth month following its passage and approval by the Governor, or by its otherwise becoming a law.

And the amendment was adopted.

Yeas 52; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Campbell, Cates, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gregg, Harris, Hilliard, Hines, Jackson (F), Jolly, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Moore (O), Naramore, Owens, Pegues, Reed, Rich, Riddick, Roberts, Shelton, Smith (B), Smith (M), Sparks, Starkey, Trammell, Venable, Waggoner, Weeks and Wyatt.

—52

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 141 as thus amended, was read a third time at length and passed.

Yeas 53; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Campbell, Cates, Cooper, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gregg, Harris, Hines, Jackson (F), Jackson (R), Jolly, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Naramore, Owens, Pegues, Reed, Rich, Riddick, Roberts, Shelton, Smith (B), Smith (M), Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Weeks, Williams and Wyatt.

—53

And the bill:

S. 143. To repeal Act No. 996, H. 1845, 1973 Regular Session (Acts of 1973, p. 1509), entitled "An Act Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census; to impose certain additional privilege or license taxes upon the sale of malt or brewed beverages in certain areas of said counties, and to provide for the collection and distribution of said taxes."

Was taken up.

Mr. Rich offered the following amendment to the bill:

Amend S. 143, page 1, lines 31, 32 and 33, by striking out Section 2 entirely and inserting in lieu thereof the following new section.

Section 2. This act shall become effective on the first day of the fourth month following its passage and approval by the Governor, or by its otherwise becoming a law.

And the amendment was adopted.

Yeas 55; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Cates, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Gregg, Harris, Hines, Hopping, Jackson (F), Jackson (R), Jolly, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Naramore, Owens, Pegues, Reed, Rich, Riddick, Roberts, Shelton, Smith (B), Smith (M), Starkey, Trammell, Venable, Waggoner, Weeks, Whatley, Williams and Wyatt.

—55

And the bill, S. 143 as thus amended, was read a third time at length and passed.

Yeas 56; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Cates, Cooper, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Gregg, Harris, Hill, Hines, Hopping, Jackson (F),

Jackson (R), Jolly, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Naramore, Owens, Pegues, Reed, Rich, Riddick, Roberts, Shelton, Smith (B), Smith (M), Starkey, Trammell, Venable, Waggoner, Weeks, Whatley, Williams and Wyatt.

—56

## RESOLUTIONS

The following resolutions were introduced:

By Mr. Pegues:

H. R. 88. BE IT RESOLVED That one Representative be sent to the National Caucus of Black Officials in Washington, D.C.

That the representative of the State of Alabama be the senior Black member of the House of Representatives. The senior member being the Black Representative in length of service in the House of Representatives.

The State of Alabama shall pay necessary expenses for the convention and the per diem expenses to and from Washington.

On motion of Mr. Pegues, the rules were suspended and the resolution, H. R. 88, was adopted.

Also:

By Mr. Sonnier:

H. J. R. 89. COMMENDING MURPHY HIGH SCHOOL FOOTBALL TEAM FOR BEING THE REGION I CHAMPION.

WHEREAS the Murphy High School football team won the Region I championship for the past year with an outstanding 10 win 0 loss record; and

WHEREAS in the 50 year history of Murphy High School, this is the first football team to go undefeated; and

WHEREAS the Murphy High School football team worked diligently, long and hard to achieve the outstanding record. The team ran, blocked, passed and tackled with spectacular ability; and

WHEREAS Coach Bob Shaw and his assistant coaches are due much credit not only for the high degree of technical skill displayed in team play but also for the fine spirit and will to win which is necessary to a winning team; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the Murphy High School football team for its outstanding record.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal of Murphy High School, head coach Bob Shaw, his assistant coaches and to each team member.

On motion of Mr. Sonnier, the rules were suspended and the resolution, H. J. R. 89, was adopted.

## BILLS INDEFINITELY POSTPONED

On motion of Mr. Callahan, all House bills remaining on the Calendar were indefinitely postponed.

## MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama
Lady and Gentlemen:

I am transmitting herewith a Message from the Governor, returning House Bill Number 195, without the Governor's approval.

Respectfully submitted,

HENRY B. STEAGALL, II,
Executive Secretary.

Done this 17th day of November, 1975.

To the House of Representatives
State Capitol
Montgomery, Alabama

Lady and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 195, without my signature and approval.

I am returning this bill to you because Senate Bill Number 136 is an identical bill which has been passed and signed into law, and which will alleviate the necessity of House Bill Number 195.

Respectfully,

GEORGE C. WALLACE,
Governor.

## GOVERNOR'S MESSAGE

The House proceeded to reconsider the bill:

H. 195. To provide for making a barber commission inoperative and the law creating such commission and defining its powers inoperative, except in certain cases. To provide for the procedure whereby the commission shall become inoperative and the procedure whereby, after it becomes inoperative, it can become operative again.

On motion of Mr. Rich, the House concurred in the Governor's veto of the bill, H. 195.

Yeas 58; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Cates, Coburn, Cooper, Crawford, Drake, Edwards, Falkenburg, Folmar, Gafford, Harris, Harrison, Higginbotham, Hopping, Howard, Jackson (F), Jolly, Kinsey, Leonard, Lockett, Lutz, McCulley, McMillan, Manley, Martin, Merrill, Moore (O), Naramore, Owens, Pegues, Porter, Quarles, Rich, Riddick, Roberts, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—58

## MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama

Lady and Gentlemen:

I am transmitting herewith a Message from the Governor, returning House Bill Number 160, without the Governor's approval.

Respectfully submitted,

HENRY B. STEAGALL, II,
Executive Secretary.

Done this 17th day of November, 1975.

To the House of Representatives
State Capitol
Montgomery, Alabama

Lady and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 160, without my signature and approval.

I am returning this bill to you because Senate Bill Number 76 is an identical bill which has been passed and signed into law, and which will alleviate the necessity of House Bill Number 160.

Respectfully,

GEORGE C. WALLACE,
Governor.

## GOVERNOR'S MESSAGE

The House proceeded to reconsider the bill:

H. 160. Relating to all counties having populations of not less than 57,000 nor more than 61,000; providing further for the compensation and expenses of the circuit clerk and register in such counties.

On motion of Mr. McMillan, the House concurred in the Governor's veto to the bill, H. 160.

Yeas 60; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carter, Cates, Cooper, Crawford, Drake, Edwards, Falkenburg, Folmar, Gafford, Harris, Harrison, Hilliard, Hopping, Howard, Jackson (F), Jolly, Kinsey, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (O), Morris, Naramore, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—60

## RECESS

On motion of Mr. Crowe, the House recessed until 6:30 o'clock p.m.

HOUSE RECONVENED

The hour of 6:30 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

RESOLUTIONS

The following resolutions were introduced:

By Messrs. Andrews, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. R. 90. WISHING OUR COLLEAGUE, REPRESENTATIVE JOE R. CAROTHERS, JR., A SPEEDY RECOVERY.

WHEREAS, the Alabama Legislature is deeply saddened that our able and distinguished colleague, Representative Joe R. Carothers, Jr., was in a farm accident which caused severe injuries to his hand and hospitalization; and

WHEREAS, we miss the advice, counsel and jolly countenance of our friend and colleague; and

WHEREAS, we look forward to his speedy recovery and return to this body; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we do miss the wise counsel of Representative Joe R. Carothers, Jr., and wish him a speedy recovery and Godspeed.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Representative Carothers at Dothan General Hospital.

On motion of Mr. Andrews, the rules were suspended and the resolution, H. R. 90, was adopted.

Also:

By Mr. Holmes:

H. R. 91. ENCOURAGING THE BOARD OF PARDONS AND PAROLE TO ESTABLISH AND IMPLEMENT A PRISONER-RELEASE PROGRAM TO ALLEVIATE THE OVERCROWDING OF PRISONS.

WHEREAS, the federal courts have decreed that the prison facilities are grossly inadequate and overcrowded; and

WHEREAS, the Alabama Legislature has considered much legislation in an effort to arrive at solutions with long-range effectiveness to the mired and complex problems the prison situation has created; and

WHEREAS, there is a pressing need for immediate relief; and

WHEREAS, our sister State of Georgia has implemented a prisoner mass-release policy to overcome the crisis of over-crowded prisons, and our neighboring State of Tennessee has such a policy under consideration; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That we do encourage the Board of Pardons and Parole to establish and implement a mass prisoner-release program to include only those prisoners who have been convicted of non-violent crimes.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Board of Pardons and Parole.

Mr. Holmes offered the motion to suspend the rules in order to take up for immediate consideration the resolution, H. R. 91.

Mr. Robertson offered the following amendment to the resolution, H. R. 91:

Amend H. R. 91 by adding after the word "crimes." on line 31 the following paragraph:

WHEREAS H. J. R. 10 has been passed, we request the Board of Pardons and Paroles to cooperate fully with the interim committee established by H. J. R. 10 of the 4th Special Session of 1975.

And the amendment was adopted.

Mr. Gafford offered the following substitute to the resolution, H. R. 91 as amended:

H. J. R. 91. ENCOURAGING THE BOARD OF PARDONS AND PAROLE TO ESTABLISH AND IMPLEMENT A PRISONER-RELEASE PROGRAM TO ALLEVIATE THE OVERCROWDING OF PRISONS.

WHEREAS, the federal courts have decreed that the prison facilities are grossly inadequate and overcrowded; and

WHEREAS, the Alabama Legislature has considered much legislation in an effort to arrive at solutions with long-range effectiveness to the mired and complex problems the prison situation has created; and

WHEREAS, there is a pressing need for immediate relief; and

WHEREAS, our sister State of Georgia has implemented a prisoner mass-release policy to overcome the crisis of over-crowded prisons, and our neighboring State of Tennessee has such a policy under consideration; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES CONCURRING, That we do encourage the Board of Pardons and Parole to establish and implement a mass prisoner-release program to include only those prisoners who have been convicted of non-violent crimes.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Board of Pardons and Parole.

And the substitute was adopted.

Mr. Gafford offered the motion to suspend the rules and adopt the resolution, H. J. R. 91 as amended.

DIVISION OF THE QUESTION

Mr. White called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Mr. Gafford to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 91, and the motion was lost, lacking a four-fifths vote.

Yeas 45; Nays 22.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Biddle, Boles, Brindley, Carter, Cooper, Drake, Folmar, Gafford, Glass, Hall, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Hopping, Jackson (R), Johnson, Johnstone, Jolly, Killian, LeFlore, Leonard, Lockett, McCluskey, McCulley, McNair, Malone, Merrill, Morris, Owens, Plaster, Porter, Quarles, Reed, Robertson, Shelton, Starkey, Teague, Warren and Whatley.

—45

*Nays:*

Messrs.: Albright, Andrews, Barron, Callahan, Campbell, Crawford, Falkenburg, Ford, Greer, Gregg, Lutz, Martin, Moore (O), Naramore, Pegues, Riddick, Roberts, Smith (M), Taylor, Trammell, Weeks and White.

—22

And the resolution, H. J. R. 91 as amended, was read and referred to the Standing Committee on Rules.

Also:

By Messrs. McCorquodale, Manley, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

H. J. R. 92. MOURNING THE DEATH OF JOE W. GRAHAM.

WHEREAS, the Alabama Legislature has noted with a sense of deep regret the passing of Joe W. Graham; and

WHEREAS, Joe W. Graham was a former State Senator who represented his constituency well; and

WHEREAS, Joe W. Graham served as Director of the Department of Conservation of the State of Alabama August 1, 1968, through January 18, 1971; and

WHEREAS, Joe W. Graham was Executive Vice-President of the Alabama Forestry Association from July, 1964, through July, 1968, and again from February 1, 1971, until the time of his death; and

WHEREAS, he was a charter member of the Alabama Forestry Association, served on its first board of directors and was a past president of the Association; and

WHEREAS, as a member of the Blue-Grey Civitan Club of Montgomery, Joe W. Graham was an active member of Civitan International, having served as District Governor of the Alabama-West Florida District, International Sergeant-At-Arms, International Vice-President and was recipient of the International Honor Key of Civitan International in 1955; and

WHEREAS, Joe W. Graham was a member of the Alabama Council of Association Executives, the National Society of Association Executives, the Consulting Committee on Forest Research at Auburn University and was the recipient of the Alabama Chapter Society of American Foresters Annual Award to the non-forester making the most outstanding contribution to forestry in the State for the year 1968; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Joe W. Graham and express our deep and sincere sympathy to his family to whom copies of this resolution shall be sent.

On motion of Mr. Manley, the rules were suspended and the resolution, H. J. R. 92, was adopted.

Also:

By Mr. Biddle:

H. R. 93. EXTENDING FELICITATIONS TO CORRESPONDENT RALPH HOLMES ON THE OCCASION OF HIS BIRTHDAY.

WHEREAS, Mr. Ralph Holmes, distinguished correspondent of the Birmingham News, has survived another year; and

WHEREAS, the Alabama Legislature never ceases to be amazed at this correspondent's talent for fiction writing; and

WHEREAS, beneath Mr. Holmes' red hair lies a vituperative machine in place of cerebral matter; and

WHEREAS, in spite of all the abusive and horrendous fiction written about the Legislature under Mr. Holmes' by-line, we wish to extend our heartiest felicitations on the occasion of his birthday; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That we do wish Mr. Ralph Holmes, distinguished capitol correspondent for the Birmingham News, a happy birthday and many more years of distinction as the News' most talented fiction writer.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Ralph Holmes as a symbol of our esteem.

On motion of Mr. Biddle, the rules were suspended and the resolution, H. R. 93, was adopted.

Also:

By Mr. Smith (C):

H. J. R. 94. CONGRATULATING LEAH RAWLS ATKINS, THE FIRST WOMAN TO BE NAMED TO THE ALABAMA SPORTS HALL OF FAME

WHEREAS, the Alabama Sports Hall of Fame has inducted into its membership fifty-two sport notables who have brought distinction to themselves and our State by their demonstrated skills in a variety of sports; and

WHEREAS, the Alabama Sports Hall of Fame has never numbered among its inductees a member of the fairer sex; and

WHEREAS, Leah Rawls Atkins, a native of Birmingham and a graduate of Auburn University, will become the first woman ever inducted into the hall on February 13, 1976; and

WHEREAS, Mrs. Atkins, first queen of waterskiing in the early '50s, by her skiing expertise, manuevers and grace became a famed international water ski champion; and

WHEREAS, Mrs. Atkins, the wife of George Atkins who was a former player-coach at Auburn, is an inspiration to spirited competitors the world over; and

WHEREAS, the many contributions made by Mrs. Atkins to the world of international sports have brought great pride to all Alabamians; now therefore

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend the lovely Mrs. Leah Rawls Atkins on being recognized by the Alabama Sports Hall of Fame for her outstanding international successes and accomplishments in waterskiing competition, and on the distinction of being the first woman ever named to the Alabama Sports Hall of Fame.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Leah Rawls Atkins.

On motion of Mr. Smith (C), the rules were suspended and the resolution, H. J. R. 94, was adopted.

Also:

By Mr. Smith (C):

H. J. R. 95. CONGRATULATING JACKIE HAYES FOR BEING NAMED TO THE 1976 ALABAMA SPORTS HALL OF FAME INDUCTION

WHEREAS, each year the Alabama Sports Hall of Fame honors an elite number from the sports world who have brought fame and glory to Alabama; and

WHEREAS, many Alabamians have demonstrated to an uncommon degree their athletic ability in competition around the world; and

WHEREAS, Jackie Hayes has been selected to be inducted into the Alabama Sports Hall of Fame on February 13, 1976; and

WHEREAS, Jackie Hayes distinguished himself with his sure-gloved catches, primarily at second base; and

WHEREAS, this major league infielder was the pride of the Chicago White Sox for fourteen years where he demonstrated his bat prowess, having two years of .328 and .312 hitting; and

WHEREAS, Jackie Hayes, now retired to his native home in Clanton, Alabama, has shown his strong character and determination by excelling in still another sport, as a blind golfer; and

WHEREAS, Jackie Hayes, by his example on and off the field, has been an inspiration to all Alabamians and brings much pride to our State; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend Jackie Hayes on his brilliant baseball career and his courageous competitive spirit which have earned for him a place in our hearts and the Alabama Sports Hall of Fame.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Jackie Hayes.

On motion of Mr. Smith (C), the rules were suspended and the resolution, H. J. R. 95, was adopted.

Also:

By Mr. Jackson (R):

H. J. R. 96. COMMENDING THE WEST END LIONS FOOTBALL TEAM FOR THEIR SECOND CONSECUTIVE UNDEFEATED REGULAR FOOTBALL VICTORY OVER JEFF DAVIS HIGH SCHOOL.

Whereas the West End High School Football Lions are the defending Birmingham City Schools football Champions, having recently completed their second consecutive undefeated regular football season, posting a game winning record of 10-0.

WHEREAS the West End Lions football team did defeat, on the night of November 14, 1975, the theretofore invincible, undefeated, and then Number One ranked Alabama High School football team, Jefferson Davis High School of Montgomery, Alabama, in Round One of the 1975 Alabama 4-A High School Football Playoffs

Whereas both West End High and Jeff Davis High football teams engaged themselves that night in battle royal, as sportsmen of the highest calibre

Whereas the West End High School Lions emerged victorious in said contest by the score of 14-13

Whereas Coach Ray Williams and his staff are due much credit not only for the high degree of technical skill displayed in team play, but also for the fine spirit and will to win which is necessary to a winning team; and

WHEREAS we believe the actions of these fine young men on the football field are reflective of their school, faculty, parents and the good citizens of West End High School; now therefore

WHEREAS the November 14, 1975 football battle royal between these two great, honorable Alabama high school football teams will indelibly be imprinted in Alabama High School football history

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend the

West End Lions High School Football Lions for their fine regular season record and their historic 14-13 conquest of Jeff Davis High School.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal, the coaches and to each member of the team.

On motion of Mr. Jackson (R), the rules were suspended and the resolution, H. J. R. 96, was adopted.

Also:

By Mr. Jackson (R):

H. J. R. 97. Whereas the Legislature of the State of Alabama proudly notes that Mr. Jewel McNair, Born November 23rd, 1900 at Harlow, Arkansas; he now resides at Rt. 2, Box 151, Fordyce, Arkansas located on the Cotton Belt of the Rock Island Railroad.

Whereas Jewel McNair is the father of 12 children—9 boys and 3 girls with his oldest son being Chris McNair who now serves with distinction in the Alabama Legislature as Chairman of the Jefferson County House Delegation and as a member of the House Ways and Means Committee

Whereas he sacrificed and sent all of his children to school, all of them having graduated from high school and 5 having graduated from College. He did this by the sweat of his brow by growing and peddling truck crops.

Whereas the fruits of his labor have blossomed bountifully

Be it Resolved by the Legislature of the State of Alabama, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend Jewel McNair on his accomplishments and wish him the happiest of birthdays and that God speed him many, many more years to come.

On motion of Mr. Jackson (R), the rules were suspended and the resolution, H. J. R. 97, was adopted.

Also:

By Messrs. McNees and Crowe:

H. R. 98. COMMENDING THE LAMAR COUNTY HIGH SCHOOL GIRLS VOLLEY BALL TEAM FOR WINNING THE STATE CHAMPIONSHIP.

WHEREAS the Lamar County High School Girls Volley Ball Team won the state championship at the recent play-off held at the University of Montevallo on November 15, 1975; and

WHEREAS the team worked diligently, long and hard to achieve this goal; and

WHEREAS coach Jane Cole is due much credit not only for the high degree of technical skill displayed in team play, but also for the fine spirit and will to win which is necessary to a winning team; and

WHEREAS we believe the actions of these fine young ladies on the volley ball court are reflective of their school, faculty, parents and the good citizens of Lamar County; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we do heartily commend the Lamar County High School Girls Volley Ball Team for winning the state championship.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the principal, Kemper Glasgow, the coach, Jane Cole and to each member of the team.

On motion of Mr. McNees, the rules were suspended and the resolution, H. R. 98, was adopted.

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama

Lady and Gentlemen:

I am transmitting herewith a Message from the Governor concerning House Bill Number 9, and containing a suggested Executive Amendment.

Respectfully submitted,

HENRY B. STEAGALL, II,
Executive Secretary.

Done this 17th day of November, 1975.

To the House of Representatives
State Capitol
Montgomery, Alabama

Lady and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 9 without my signature and approval and with a suggested Executive Amendment, which is attached hereto.

This Amendment, if adopted, will reduce appropriations by 2% in all programs funded by the Alabama Special Educational Trust Fund, except teachers' salaries under the Minimum Program Fund which are not reduced, and for appropriations for teachers retirement, social security, and debt service, which are not changed. Teachers' salaries will be revised to provide for a $1,000.00 raise for all teachers regardless of rank. This Amendment will reduce appropriations from the Alabama Special Educational Trust Fund by $9.7 million and that amount, when added to the $14 million now unappropriated under House Bill Number 9, will mean there will be a balance of approximately $23.7 million in the Alabama Special Educational Trust Fund after all absolute appropriations are paid.

In my opinion, this is the minimum amount that should be established in a reserve fund in order to have sufficient operating funds to begin planning for fiscal year 1976.

When we entered into the current fiscal year, there was an unappropriated balance of $135 million. To appropriate every dollar down to $14 million out of a surplus which has accumulated over a period of two years means that you will have to come back in a short period of time with a shortage which cannot be overcome without additional new taxes or a complete elimination of programs which you will not want to eliminate, both in and out of education.

The Governor and the Legislature must look at the overall funding of the various functions of State Government. In my opinion, there are sufficient funds available from existing revenues, if used wisely and in a fiscally sound manner, to finance the functions of State Gov-

ernment without any new taxes and without curtailing drastically any particular programs. In my further opinion, it is imperative that this Amendment be adopted in order to assure fiscal responsibility as we look to the new fiscal year.

Respectfully,

GEORGE C. WALLACE,
Governor.

EXECUTIVE AMENDMENT

Amend House Bill Number 9 by deleting Section 3 through Section 56 in their entirety, and substituting in lieu thereof the following:

"Section 3. STATE BOARD OF EDUCATION:

| | | | |
|---|---|---|---|
| A. | For Adult Basic Education: | | |
| | To be used to match Federal Funds for a removal of illiteracy program | | 294,000.00 |
| B. | Athens College: | | |
| | For Operation and Maintenance | | 980,000.00 |
| C. | Civil Defense Survival Plan: | | |
| | For salaries and other expenses only, in the operation of the Civil Defense Plan | | 16,660.00 |
| D. | Civilian Rehabilitation: | | |
| | For the vocational rehabilitation of handicapped individuals | 4,762,800.00 | |
| | For the Governor's Committee on Employment of Handicapped | 39,200.00 | |
| | For Medical Services, adjustment training and attendant care for paraplegics and quadraplegics | 784,000.00 | |
| | Total | | 5,586,000.00 |
| E. | For Compact for Education (To be expended in accordance with Act No. 1143, 1969 Regular Session.) | | 15,435.00 |
| F. | Coordination of In-School Television Program: | | |
| | For salaries | 78,400.00 | |
| | For other expenses | 18,620.00 | |
| | For equipment purchases | 980.00 | |
| | Total | | 98,000.00 |
| G. | For Driver Education, School Bus Driver Training and Vehicle Safety Inspection | | |
| | For salaries | 213,640.00 | |

| | | | |
|---|---|---|---|
| | For other expenses | 78,400.00 | |
| | For equipment purchases | 3,920.00 | |
| | Total | | 295,960.00 |
| H. | For Driver Education | | 4,326,700.00 |
| I. | Drug Education Program: | | |
| | For the necessary education on drug abuse | | 160,352.50 |
| J. | DEPARTMENT OF EDUCATION: | | |
| | (a) For the Department of Education: | | |
| | For the salary of the State Superintendent, Estimated | 40,000.00 | |
| | For other salaries | 1,016,252.16 | |
| | For other expenses | 156,800.00 | |
| | For rental expense | 474,050.00 | |
| | For equipment purchases | 19,600.00 | |
| | For transfer to State Personnel Department | 30,800.00 | |
| | Total | | 1,737,502.16 |
| | (b) For the "Right To Read Program" | | 49,000.00 |
| | (c) For operation of the Teacher Certification Program | | 196,000.00 |
| | (d) For Legal Reference Manuals for all Local School Boards | | 24,500.00 |
| | (e) For the City and County School Systems which participate in the Pilot Program of Educational Program Management Budgeting. The Systems participating shall be eligible upon certification by the Alabama Education Study Commission to the State Department of Education of the systems participating in this Pilot Program. All monies not used for this purpose shall revert to the Alabama Special Educational Trust Fund | | 68,600.00 |
| | (f) Regional Education | | 156,800.00 |
| | (g) For the Kindergarten Pilot Program | | 490,000.00 |
| K. | Elementary Teachers Scholarship Fund | | 24,500.00 |
| L. | Free Textbooks: | | |
| | For salaries | 62,065.00 | |
| | For other expenses | 39,200.00 | |
| | For disbursements to local boards | 61,005.00 | |
| | For equipment purchases | 980.00 | |
| | For the repair of used and the purchase of new textbooks | 6,192,050.00 | |

| | | |
|---|---|---|
| For operation of Course Study Commission | 14,700.00 | |
| Total | | 6,370,000.00 |

In either the 8th or 9th grade in every school system in this state, there shall be taught for one school year a course in Alabama Government, which course shall include City and County Governments in Alabama, the State Government of Alabama, including organization, duties and functions at city, county and state governmental levels, as well as their respective relationships with the Federal Government and its powers.

M. Alabama School of Fine Arts:
For operation and maintenance ..... 294,000.00

N. Junior College Equalization Account:
For operation and maintenance of the Junior Colleges listed below, to be distributed on a formula adopted by the State Board of Education ..... 27,868,358.00

(The above appropriation is to be distributed to the following Junior Colleges: (1) Alexander City State Junior College; (2) S. D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14 Northwest Alabama State Junior College; (15) Snead State Junior College; (16 Southern Union State Junior College; (17) George Corley Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College.)

Of the amount appropriated to the Junior College Equalization Account, the sum of $544,635.00 shall be distributed to the Wallace Community College at Hanceville, Alabama.

Of the above appropriations contained herein in Section 3, paragraph N not more than the sum of $196,000.00 may be used by the State Board of Education for administration of the State Junior College Program.

O. Of the amount above beginning with the fiscal year 1975-76 in addition to the salary received and all salary schedule increments due, all professional staff employed shall receive an increase of not less than eleven and eighty-two per centum (11.82%) of the state junior college salary schedule for the school year 1974-75.

P. To supplement federal funds available under the provisions of the Comprehensive Employment and Training Act ..... 343,000.00

Q. Minimum Program Fund:

(a) In addition to all other funds appropriated for the public elementary and high schools of the State, there is hereby appropriated to the State Board of Education for the fiscal year ending September 30, 1976, the sum of $351,623,510.00 to be known as the Minimum Program Fund, which in accordance with the statutes and regulations of the State Board of Education relating to the expenditure of such fund, shall be used for providing a minimum term and for the equalization of educational opportunity in the public schools of the State; provided, that so much thereof as may be necessary of the above appropriations shall be used by the State Board of Education to provide for additional teacher units for each school system in the State which on the basis of current school attendance shall be entitled to additional teacher units over the number allowed based on the year immediately preceding said current year, provided further, that in no case shall a term of less than nine months in tax districts be approved, except that the State Board of Education, upon the recommendation of the State Superintendent of Education shall be authorized to make full allotments of funds to any school system for the time actually taught, if in the judgement of the State Superintendent of Education and the State Board of Education unusual conditions beyond the control of the local Board of Education in any school are such as to prevent the operation of that school for the required nine months minimum term; provided further, that the amount herein appropriated for the Minimum Program Fund shall include all monies earmarked for public school teachers' salaries as provided in the Income Tax Amendment ratified on the 26th day of August, 1947. The Minimum Program Fund shall also include any other appropriations of funds, either State or Federal, which may be designated by the Legislature as a part of the Minimum Program Fund.

(b) It is provided that from the appropriation hereinabove made the State Board of Education shall allocate and pay from said appropriation not less than three hundred fifty-five (355) additional teacher units for the program for exceptional children over and above the current allocation. Twenty-five (25) of the teacher units appropriated may be used in early education programs for exceptional children and twenty-five (25) teacher units may be used in regional multi-system, and/or state-wide programs for exceptional children. Anything to the contrary notwithstanding, no additional teacher units may be used for administration personnel.

(c) All special education units other than the early childhood and multi-system units, and units to reduce the number of pupils in grades 1-3 shall be allocated to local school systems on the basis of enrollment. Units earned by a system on this basis which are not used by such system may not be reallocated to other systems except those units necessary to guarantee school systems not less than the number of units allocated to them during the 1974-75 school year. Unallocated units shall remain earmarked for the systems designated for use during subsequent fiscal years.

(d) Two hundred and forty-five dollars ($245) per teacher unit for grades K-6 and two hundred ninety-four dollars ($294) per teacher unit for grades 7-12 is herein appropriated to the State Board of Education for all teachers employed (except ESEA Title I and Title III teachers and ESAA teachers) and shall be allocated to each county and city board of education for the purchase of instructional supplies, ma-

terials, and equipment, excluding furniture and fixtures. Each local county and city board of education shall allocate to the schools in their respective systems an amount as set forth hereinabove for each teacher unit in such school provided from funds from the State. The faculty and principal of each school shall recommend to the superintendent the amount to be allocated to each school and teacher for the operation of the instructional program within the school. The local school board shall determine the allocation to each school and teacher, approve or disapprove requisitions for purchases from these funds, and shall issue purchase orders and handle all financial transactions in compliance with this section. It is the intent of the legislature that no fees shall be collected in the future in courses required for graduation. In non-required courses local school boards may set reasonable fees for courses requiring laboratory and shop materials and equipment; provided, however, such fees shall be waived for students who cannot afford to pay the fees. This section shall not be construed to prohibit community group or clubs from fund raising activities, provided, however, that students shall not be required to participate in such fund raising activities. Provided further, it is the intent of the Legislature that no local school board shall reduce the amount of funds which it allocated for the 1974-75 school year for the purchase of instructional materials and supplies. There is hereby appropriated in addition to that above the sum of $9,829,106.00.

(e) It is provided that beginning with the fiscal year 1975-76 that in addition to the salary now received, and all other local increments due, all teachers under the Minimum Program shall receive a salary increase as follows: AA teachers not less than one thousand dollars ($1,000) per annum; Rank I teachers not less than one thousand dollars ($1,000) per annum; Rank II teachers not less than one thousand dollars ($1,000) per annum; Rank III teachers not less than one thousand dollars ($1,000) per annum; Rank IV teachers not less than one thousand dollars ($1,000) per annum. Any county or city board of education failing to comply herewith shall not be entitled to participate in the Minimum Program Fund. All school bus drivers shall receive a salary increase of not less than eleven per centum (11%) per annum, and any county or city board of education failing to comply herewith shall not be entitled to share in the Minimum Program Fund.

It is provided that in addition to all units earned by the local school system under the Minimum Program Fund calculation one (1) extra unit or fraction thereof shall be awarded for each aggregate of fifteen (15) units or fraction thereof earned in said Minimum Program Fund calculation including regular, and special education units. The local school system shall assign to each school within the system at least the number of teacher units earned by that school using the Minimum Program Fund calculation and the additional units earned through the one (1) to fifteen (15) ratio as set forth herein. No school system may reduce during the school year the number of teachers it employed with the local funds during the school year 1974-75 except in instances where all schools within the system are accredited or have met every requirement of accreditation with respect to teacher/pupil ratios. The local school system shall furnish the State Department of Education such information as may be necessary to determine that the provisions of this section have been implemented.

(f) In addition to the appropriation hereinabove made to the Minimum Program, there is hereby appropriated funds for two (2) days personal leave at $17.00 per teacher unit for each teacher earned under the Minimum Program formula to be granted upon request of the teacher and administered by the State Board of Education and by local school boards under procedures governing sick leave for the fiscal year ending September 30, 1976, the sum of $1,115,454.00.

(g) In addition to the appropriation hereinabove made to the Minimum Program (sub-section Q) and Vocational Education (sub-section Y (a)) and Driver Education (sub-section H) in grades 1-12, there is hereby appropriated the sum of Two Hundred Twelve Dollars ($212.00) per annum per teacher, administrative or supervisory unit as located under the Minimum Program, Vocational Education Program and any other units paid from State or local funds to provide hospital-medical insurance assistance.

Provided further that any professional employee eligible for hospital-medical assistance who may be subject to coordination of benefits because of their coverage for hospital-medical assistance by carrier other than those selected under this act, be protected from such coordination of benefits to the extent provided by regulation No. 56 of Alabama Department of Insurance. It being the intent of this appropriation to provide hospital-medical insurance assistance to those qualified professional employees in the amount set forth in this appropriation and such insurance coverage not to be subject to coordination of benefits.

These funds shall be made available to local boards of education with a majority of the local participating professional employees selecting the plan(s) and the carrier (s) of the hospital-medical insurance in that system. Any funds not used in the fiscal year shall revert to the Alabama Special Educational Trust Fund. There is hereby appropriated the sum of $7,086,411.00 for the fiscal year ending September 30, 1976, for the purpose of carrying out the provisions of this sub-section.

(h) In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

The amount necessary for the payment of Board of Adjustment awards in accordance with the Minimum Program statutes and regulations.

For "Other Current Expenses" a sum not to exceed $1,543.43 for each earned teacher unit.

For Principal Supplement the sum shall not exceed $72.00 for each earned teacher unit.

For Capital Outlay the sum shall not exceed $64.87 for each earned teacher unit.

Sick leave days shall be paid at the rate of $17.00 per day.

The salary allotment shall be made in accordance with the schedule set out herein above.

The above appropriation contained in sub-section (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of $22,409,160.00.

The appropriation herein above set out for the fiscal year 1975-76 in the amount of $369,654,481.00 is based on 30,173 teacher units.

It is provided that in the event there are more than 30,173.00 earned teacher units in the fiscal year 1975-76, then such amounts as are necessary to pay for these excess teacher units is hereby appropriated.

It is further provided that in the event that there be less earned teacher units than those set out above than the amount that would

have been necessary to pay for these earned teacher units shall not be allotted or paid out.

(i) In addition to teacher units allocated above, it is further provided that 300 additional regular teacher units shall be made available for allocation in grades 1-3 of the county and city school systems for the fiscal year ending September 30, 1976. It is the intent of the legislature that priority be given to reduction of class size in grades 1-3, therefore the Alabama Education Study Commission and the State Department of Education shall have the authority to insure that the intent of the legislature is implemented. Any teacher units allocated under the provisions of this section shall be used in grades 1-3 unless the pupil-teacher ratio of 25-1 has already been achieved. In such event, the units may be used in grades 4-6.

(j) In addition to all other teacher units allocated to Jackson County, it is further provided that one vocational agricultural teacher unit and one home economics teacher unit be allocated to Skyline High School and one vocational agricultural teacher unit and one home economics teacher unit be allocated to North Sand Mountain High School.

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| R. | Minimum Program Account:<br>Trainable Retarded Children:<br>For the administration of a program for exceptional children and youth<br>The appropriation hereinabove made shall be expended by the State Board of Education for the cost incurred by the State Department of Education in the administration of this program. The appropriation for Special Education is the same appropriation as set out in Act No. 67, approved June 27, 1963, and shall be expended in accordance with that Act. | | 418,276.00 |
| U. | National Defense Education Program | | 269,500.00 |
| V. | Physical Restoration of Crippled Children (Crippled Children's Service):<br>For salaries | 441,000.00 | |
| | For Handicapped Individuals | 2,744,000.00 | |
| | Total | | 3,185,000.00 |
| W. | To the Department of Education for Plans and Surveys:<br>For salaries | 54,880.00 | |
| | For other expenses | 16,170.00 | |
| | Total | | 71,050.00 |
| X. | To the Department of Education for transfer to the State Telephone Revolving Fund | | 842,322.00 |
| XX. | State Tenure Commission:<br>For expenses of operation | | 4,900.00 |
| Y. | (a) Vocational Education:<br>For salaries | 73,500.00 | |
| | For other expenses | 36,407.00 | |

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| For rental expense | 9,384.00 | |
| For equipment purchases | 1,470.00 | |
| Distributions to local boards and institutions | 28,235,976.00 | |
| Total | | 28,356,737.00 |

Of the amount listed above for the distribution to local boards of education beginning with the fiscal year 1975-76 in addition to the salary received and all salary increments due, all vocational teachers shall receive a salary increase of not less than eleven and eighty-two per centum (11.82%) of the state vocational salary schedule for the school year 1974-75.

The appropriation hereinabove shall be disbursed or obligated in accordance with a formula adopted by the State Board of Education. The total allocation of vocational teacher units to each county and city board of education shall be at least equal to the number received by the respective board during the preceding fiscal year, and in addition thereto, a sum equal to the percentage equivalency based on months of employment, provided for in the minimum program salary increase contained in Section 3, paragraph Y (a).

In the event proration should become necessary due to the loss of Federal Vocational Funds, each local board shall be reduced by his prorata share under the adopted State Board of Education formula.

Any funds appropriated hereinabove in excess of the preceding fiscal year's distribution and in excess of the percentage salary equivalency under the Minimum Program provision shall be allocated by priorities to those boards that have less than their entitlement.

Funds appropriated hereinabove shall not be expended by the State Department of Education, local boards of education or institutions for contractual services to private profit agencies, organizations and institutions except for the purposes of the renovations, repair and rental of buildings and equipment.

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| (b) Vocational Education: For Pilot Agribusiness centers for personnel, equipment, facilities, and supplies for demonstration farm projects | 392,000.00 |
| (c) Vocational Education: For Industrial Development Training; to be used for industrial purposes only | 1,519,000.00 |
| (d) Walker State Technical College | 196,000.00 |
| Z. State Vocational Technical School Equalization Account: For the operations and maintenance of the Vocational Technical Schools listed below, to be distributed in accordance with a formula adopted by the State Board of Education | 21,497,280.00 |

Of the amount above beginning with the fiscal year 1975-76 in addition to the salary received and all salary schedule increments due, all professional staff employed shall receive an increase of not less than eleven and eighty-two per centum (11.82%) of the state vocational-technical salary schedule for the school year 1974-75.

(The above appropriation is to be distributed to the following Vocational Technical Schools: (1) Atmore State Technical Institute; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College-Technical Branch; (7) Carver State Technical Trade School; (8) J. F. Drake State Technical College; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Vocational School; (12) Theodore A. Lawson State Community College-Technical Branch; (13) Douglas MacArthur State Technical College; (14) Muscle Shoals Technical Institute; (15) Northwest Alabama State Technical College; (16) N. F. Nunnelley State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncey Sparks State Technical College; (23) Councill Trenholm State Technical College; (24) Tuscaloosa State Technical College; (25) Walker County State Trade School; (26) George Corley Wallace State Community College-Technical Branch (Selma); (27) George C. Wallace State Community College-Technical Branch (Dothan); (28) George C. Wallace State Technical Community College (Hanceville).

Of the above appropriations contained herein in Section 3, paragraph Z not more than the sum of $196,000.00 may be used by the State Board of Education for administration of the Vocational Technical School Program.

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| AA. | BOARD OF TRUSTEES OF THE AGRICULTURAL AND MECHANICAL UNIVERSITY: | |
| | For operation and maintenance | 6,070,120.00 |
| BB. | BOARD OF TRUSTEES OF ALABAMA STATE UNIVERSITY OF MONTGOMERY: | |
| | For operation and maintenance | 5,305,720.00 |
| Section 4. | BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA | |
| A. | The University: | |
| | (1) For operation and maintenance | 25,823,000.00 |
| | (2) Gadsden Cooperative Upper Division Program | 156,800.00 |
| | (3) For Emotionally Disturbed Children | 354,760.00 |
| | (4) For College of Community Health Sciences | 1,470,000.00 |
| | (5) For Public Service, Research and Extension | 1,485,680.00 |
| | (6) For Nursing Scholarships | 18,000.00 |
| | (7) For Psychology Department | 98,000.00 |
| | (8) For School of Nursing: For operation and maintenance | 196,000.00 |
| | (9) For Mine Resources Institute | 196,000.00 |
| | (10) For Museum of Natural History—Moundville State Park | 123,480.00 |
| | (11) For Family Practice Clinics | 367,500.00 |
| | (12) For Vocational Education Teacher Training | 98,000.00 |
| B. | The University—Birmingham: | |
| | (1) For University College: For operation and maintenance | 9,461,900.00 |

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| (2) For School of Community and Allied Health Resources | 1,100,540.00 |
| (3) For School of Dentistry: For operation and maintenance | 4,900,000.00 |
| (4) For Diabetes Clinics: For operation and maintenance | 245,000.00 |
| (5) For Extension, Public Service and Research | 490,000.00 |
| (6) For Urology Department: For Treatment, Research and Development | 392,000.00 |
| (7) For Regional Technical Institute: For operation and maintenance | 1,013,320.00 |
| (8) For Joint Health Science Program: For operation and maintenance | 1,254,400.00 |
| (9) For Center for Labor Education and Research | 245,000.00 |
| (10) For Medical School: | |
| (a) For operation and maintenance | 8,949,360.00 |
| (b) For operation and maintenance of Medical Information Service via Telephone | 98,000.00 |
| (c) For Department of Pediatrics | 294,000.00 |
| (11) For Lurleen B. Wallace Cancer Program: For operation and maintenance | 245,000.00 |
| (12) For School of Nursing: For operation and maintenance | 1,611,120.00 |
| (13) For School of Nursing—Scholarships | 86,632.00 |
| (14) For Student Nurses—Loan Fund | 11,760.00 |
| (15) For School of Optometry: For operation and maintenance | 980,000.00 |
| (16) For University Hospital and Clinics | 2,058,000.00 |
| (17) For Spinal-Cord Injury Program | 171,500.00 |
| (18) For Family Residency Program: | |
| (a) Anniston | 196,000.00 |
| (b) Florence | 196,000.00 |
| (c) Jefferson County | 196,000.00 |
| (d) Tuscaloosa | 196,000.00 |
| (e) Montgomery | 196,000.00 |
| (f) Heflin | 49,000.00 |
| (19) For construction and renovation at Diabetes Research and Education Hospital in Birmingham | 980,000.00 |
| C. The University—Huntsville: | |
| (1) For operation and maintenance | 4,268,880.00 |
| (2) (a) For School of Medicine (School of Primary Medical Care) | 1,862,000.00 |
| (b) For Ambulatory Care Center | 343,000.00 |
| (3) For Division of Nursing—Scholarships (To be expended in accordance with Act No. 2290, 1971 Regular Session.) | 18,000.00 |
| (4) For Environmental Science Center | 245,000.00 |
| (5) For Motor Vehicle Research Center (1.6% State Cost-Grant) | 49,000.00 |
| (6) For School of Nursing | 588,000.00 |

Section 5. BOARD OF TRUSTEES OF AUBURN UNIVERSITY:

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| A. The College: | |
| (1) For operation and maintenance | 26,072,900.00 |
| (2) For Engineering Experiment Station | 465,500.00 |
| (3) For Television Education | 294,000.00 |
| (4) Center for Vocational and Adult Teacher Education (The funds provided in subsection (4) shall be used for the support of undergraduate and graduate teacher education, research, and in-service extension activities in vocational, technical and adult education) | 490,000.00 |
| (5) For Psychology Department | 98,000.00 |
| (6) Wildlife Research Unit | 49,000.00 |
| (7) For Public Service, Research and Extension | 392,000.00 |
| B. Agriculture Research: | |
| Alabama Agriculture Experiment Station at Auburn, for work and experimentation | 5,350,800.00 |

That all research work and experimentation comtemplated by the spirit and purpose of this sub-section (B) shall be carried out under the supervision of the Director of the Agricultural Experiment Station System and the President of Auburn University, who shall make a complete report to the Board of Trustees of Auburn University for the fiscal year ending September 30, 1976.

The funds provided in this sub-section (B) shall be used for the support of researchers, experiments and investigations bearing upon and relating to the production, marketing, manufacturing, use and distribution of agricultural crops and products; for the production; marketing and curing of all kinds of livestock and livestock products that may be sold from or consumed on the farms of Alabama; for the production, culture, and use of pasture plants for the establishment, care, use and management of pastures; for the testing of all kinds of hay, food, and forage crops, including those that may be used for lawns and other sod crop purposes; for the testing of varieties of crops, including soil adaption and improvement; for the testing of fertilizers and fertilizer materials on the various soils and for various crops; for the production, marketing, storage and curing of fruit, nut and vegetable crops; for the study of plant and animal disease and insect pests; for researches and experiments dealing with forest production management and use; for researchers dealing with soil erosion and problems arising from the waste of land due to soil erosion, for researchers to discover new uses of land; for the provisions of necessary land, buildings, fencing livestock and other physical equipment needed for the research work herein provided for; for researchers in game and fish production; provided, however, that any researchers in game and fish production shall be in cooperation with or upon the advice of the Director of Conservation, so that there may be complete coordination between the work of the Alabama Agricultural Experiment Station and that of the State Department of Conservation; as future changing agricultural conditions may demand, for researches and experiments on other similar important agricultural and economic problems having for their object the development of a more permanent, profitable and diversified agriculture; and for the printing of the necessary bulletins, circulars, etc., in order that the citizens of Alabama may be acquainted with the results of said research.

C. Extension Work for Agriculture and Home Economics:

For advising, demonstrating and informing people of Alabama in agricultural, farm and home pursuits, and other extension services. .... 5,811,400.00

For payment of Employees Retirement in accordance with Act No. 697, 1975 Regular Session .... 490,000.00

The appropriation herein made for the Extension Service shall be expended by the direction of the Board of Trustees of Auburn University through its Extension Service and shall be done in such manner as to make available the maximum amounts of aid from the Federal government.

D. Auburn University—Montgomery:

For operation and maintenance ..... 4,321,800.00

For Montgomery Area Community Health Sciences Institute ..... 107,800.00

Section 6. BOARD OF TRUSTEES OF JACKSONVILLE STATE UNIVERSITY:

For operation and maintenance ..... 7,160,860.00

For School of Nursing Scholarships ..... 18,000.00

(To be expended in accordance with Act No. 228, 1971 Regular Session.)

For Gadsden Program ..... 240,100.00

Section 7. BOARD OF TRUSTEES OF LIVINGSTON UNIVERSITY:

For operation and maintenance ..... 2,425,500.00

For School of Nursing Scholarships ..... 18,000.00

Section 8. BOARD OF TRUSTEES OF UNIVERSITY OF MONTEVALLO:

For operation and maintenance ..... 4,133,640.00

For Speech and Hearing Clinic ..... 147,000.00

For operation and maintenance of Highway Safety Program ..... 107,800.00

Section 9. BOARD OF TRUSTEES OF UNIVERSITY OF NORTH ALABAMA:

For operation and maintenance ..... 4,900,000.00

For School of Nursing Scholarships ..... 18,000.00

(To be expended in accordance with Act No. 2304, 1971 Regular Session.)

Section 10. BOARD OF TRUSTEES OF THE UNIVERSITY OF SOUTH ALABAMA:

(1) For operation and maintenance ..... 7,293,160.00

(2) For Coordinate College for Health Professions .... 531,160.00

(3) For operation and maintenance of a College of Medicine ..... 5,537,000.00

(4) For Family Residency Program—Baldwin County 196,000.00

(5) For Nursing Scholarships ..... 18,000.00
(To be expended in accordance with Act No. 2302, 1971 Regular Session.)

(6) For Teaching Hospital ..... 833,000.00
(For unrestricted support of health professions education conducted in the University Hospital and Clinics.)

Section 11. BOARD OF TRUSTEES OF TROY STATE UNIVERSITY:

(1) For operation and maintenance ..... 5,099,920.00

(2) For operation and maintenance of Troy State University at Montgomery ..... 161,700.00

(3) For operation and maintenance of Troy State University at Fort Rucker—Dothan ..... 161,700.00

(4) For School of Nursing—Scholarships ..... 36,000.00
(To be expended in accordance with Act No. 2292, 1971 Regular Session.)

(5) For Public Service, Research and Extension ..... 196,000.00

Section 12. BOARD OF TRUSTEES OF ALABAMA INSTITUTE FOR DEAF AND BLIND:

(1) For operation and maintenance ..... 2,900,800.00

(2) For operation and maintenance of the Department of Adult Blind and Deaf ..... 1,230,037.00

(3) For operation and maintenance of the State Library for the Blind ..... 58,800.00

(4) Of the amounts listed above it is provided that in the fiscal year 1975-76 that in addition to the salary now received and all salary increments due, all non-vocational employees with certificates shall receive a salary increase as follows: AA teachers not less than eleven hundred eighteen dollars ($1,118) per annum; Rank I teachers not less than one thousand fifty-two dollars ($1,052) per annum; Rank II teachers not less than nine hundred seven dollars (907) per annum; Rank III teachers not less than nine hundred seven dollars ($907) per annum; Rank IV teachers not less than nine hundred seven dollars ($907) per annum; Further, in addition to salary now received and all salary increments due, all vocational teachers shall receive a salary increase of not less than eleven and eighty-two per centum (11.82%) of the state vocational salary schedule for the school year 1974-75.

Also each employee with certificates shall be allowed two hundred twelve dollars ($212) to provide hospital-medical insurance assistance. A majority of the participating professional employees shall select plan (s) and the carrier (s) of the hospital-medical insurance.

Section 13. DEBT SERVICE:

(1) For the payment of principal and interest due on bonds issued by Auburn University (Alabama Polytechnic Institute) pursuant to Constitutional Amendment No. CXX ..... 308,760.00

(2) For the payment of principal and interest due on bonds issued by the University of Alabama pursuant to Constitutional Amendment No. CXIX ..... 308,760.00

(3) For the payment of principal and interest due on bonds issued by the University of Alabama Research Institute pursuant to Constitutional Amendment No. CLVII ..... 207,025.85

(4) Interest on Endowments:

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| For interest on University of Montevallo (Alabama College) Endowment, Estimated ..... | 44,000.00 | |
| For interest on Auburn University Endowment ..... | 20,280.00 | |

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| For interest on University of Alabama Endowment | 61,000.00 | |
| For interest on Grove Hill Endowment | 600.00 | |
| For interest on Public School Fund Endowment: | | |
| Interest on 16th Section lands, Estimated | 285,000.00 | |
| Interest on School Indemnity Lands, Estimated | 67,135.81 | |
| Interest on Valueless 16th Section lands | 5,825.47 | |
| Interest on Surplus Revenue | 26,763.47 | |
| Interest on James Wallace Fund | 275.25 | |
| Total | | 510,880.00 |

Section 14. BOARD OF DENTAL SCHOLARSHIP AWARDS:

For Dental Scholarships at the University of Ala- School of Dentistry or any other dental school accredited by the Council of Dental Education of the American Dental Association ..... 83,000.00
(To be expended under the provisions of Act No. 792, (1965 Regular Session)

Section 15. EDUCATION OF DEPENDENTS OF BLIND PARENTS:

For reimbursement of every State Institution of Higher Learning, College, University or State Trade School or Junior College, in which benefits are given to dependents of blind parents under the provisions of Act No. 281, 1966 Special Session, Estimated ..... 6,930.00

Section 16. ALABAMA EDUCATION STUDY COMMISSION:

To be used for educational studies in accordance with Act No. 15, 1969 Special Session:
For salaries other expenses and equipment purchases 200,900.00

Section 16A. COMMISSION ON HIGHER EDUCATION:

For salaries and other expenses ..... 196,000.00
(No salary of any employee of the Commission shall exceed the salary paid to the State Superintendent of Education.) (To be expended in accordance with Act No. 14, 1969 Special Session).

Section 17. ALABAMA EDUCATIONAL TELEVISION COMMISSION:

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| For salaries | 699,720.00 | |
| For other expenses | 490,000.00 | |
| For equipment | 236,180.00 | |
| For automotive equipment purchases | 9,800.00 | |
| For programming | 367,500.00 | |
| Total | | 1,803,200.00 |

Section 18. DEPARTMENT OF PUBLIC HEALTH

For transfer to the Department of Health:

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| For Immunization of Pre-School and students | 245,000.00 | |
| For Public School Food Sanitation Program | 245,000.00 | |
| Total | | 490,000.00 |

Section 19: Pike County Family Practice Clinic for operation and maintenance of a Family Practice Clinic in Pike County ..... 196,000.00

(Provided that the aforesaid Family Practice Clinic shall be operated by either the Family Residency Program of the University of Alabama at Birmingham, or by the Family Residency Program of the University of South Alabama, or jointly by both Universities.)

Section 20. MARINE ENVIRONMENTAL CONSORTORIUM:

For operation and maintenance ..... 318,500.00

Section 21. MEDICAL SCHOLARSHIPS BOARD:

For Medical Scholarships at the University of Alabama Medical School ..... 135,000.00

(To be expended under the provisions of Act No. 278, 1965 1st Special Session)

Section 22. MONTGOMERY INSTITUTE FOR NEUROLOGICAL DEVELOPMENT ..... 24,500.00

Section 23. ALABAMA PUBLIC LIBRARY SERVICE

State Aid to Counties ..... 637,000.00

Section 24. SOCIAL SECURITY:

For State's share of Social Security, Estimated ..... 28,000,000.00

Section 25. SYLACAUGA NURSES TRAINING SCHOOL:

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| For operation and maintenance | 39,200.00 |
| For School of Nursing Scholarships | 18,000.00 |

(To be expended in accordance with Act No. 2393, 1971 Regular Session)

Section 26. BOARD OF CONTROL OF THE TEACHERS' RETIREMENT SYSTEM:

For Teachers' Retirement System, Estimated ..... 90,000,000.00

The above appropriation shall be expended in accordance with the statutes and regulations now or hereafter existing relating to the expenditure of such Teachers' Retirement Fund.

For Teachers' Special Pension Fund, Estimated ..... 4,000,000.00

Section 27. VETERANS EDUCATION BENEFITS:

For reimbursement to every State Institution of Higher Learning, College, University, or State

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| Trade School or Junior College, in which benefits are given to veterans, their wives, widows, or children under the provision of Act No. 767, 1965 Regular Session, Estimated | | 900,000.00 |
| Section 28. JOHN M. WILL MEMORIAL SCHOLARSHIP FOUNDATION | | 980.00 |
| Section 29. YOUTH SERVICES BOARD: | | |
| For operation and maintenance | | 4,998,000.00 |
| For salaries of Probation Officers | | 931,000.00 |
| (To be expended in accordance with Act No. 816, 1973 Regular Session) | | |
| Youth Services Board—For Administration | | 392,000.00 |
| Section 30. BIRMINGHAM TRAINING CENTER FOR BRAIN INJURED | | 28,518.00 |
| Section 31. ALABAMA LAW INSTITUTE FOR LIBRARY BOOKS | | 62,720.00 |
| Section 32. ALABAMA LEARNING RESOURCES CENTER | | |
| (Instructional Materials Center) | | 58,800.00 |
| Section 33. COMMISSION OF PHYSICAL FITNESS: | | |
| For salaries | 47,334.00 | |
| For other expenses | 12,936.00 | |
| For equipment purchases | 490.00 | |
| Total | | 60,760.00 |
| Section 34. PUBLIC LIBRARY SERVICE: | | |
| For salaries | 111,720.00 | |
| For other expenses | 27,440.00 | |
| For books and periodicals | 35,280.00 | |
| Total | | 174,440.00 |
| Section 35. ALABAMA LAW INSTITUTE | | 122,500.00 |
| Section 36. ALABAMA LAW ENFORCEMENT PLANNING AGENCY: | | |
| For operation and maintenance of a law enforcement academy at Troy State University | 53,900.00 | |
| For operation and maintenance of a law enforcement academy at Jacksonville State University | 53,900.00 | |
| For operation and maintenance of a law enforcement academy at John C. Calhoun Junior College | 53,900.00 | |
| For operation and maintenance of a law enforcement academy at Jefferson State Junior College | 53,900.00 | |
| Total | | 215,600.00 |

Section 37. WALKER COUNTY BOARD OF EDUCATION:
For the use of the Sumiton Elementary ..... 490,000.00

Section 38. HENRY COUNTY BOARD OF EDUCATION:
For capital outlay purposes ..... 294,000.00

Section 39. BIRMINGHAM CITY BOARD OF EDUCATION:
For Speech and Hearing Clinic ..... 98,000.00

Section 40. WINFIELD CITY BOARD OF EDUCATION:
For Capital Outlay ..... 294,000.00

Section 41. MORGAN COUNTY BOARD OF EDUCATION:
Falkville High School
For the construction of a gymnasium ..... 294,000.00

Section 42. BIRMINGHAM SYMPHONY ASSOCIATION, INC. ..... 98,000.00
(To be used for the support and maintenance of an expanded statewide music education program by the official Symphony of the State of Alabama for the young people in the primary and secondary schools and to be expended with the advice of a committee composed of the State Superintendent of Education and four persons appointed by him and the President of the Birmingham Symphony Association and four persons appointed by him.)

Section 43. ARAB CITY BOARD OF EDUCATION 441,000.00

Section 44. STATE BOARD OF EDUCATION:
For additional construction and equipping of the Atmore State Technical Institute ..... 223,400.00

Section 45. LOWNDES COUNTY BOARD OF EDUCATION:
For construction and equipping a burned school in Lowndes County ..... 294,000.00

Section 46. LAUDERDALE COUNTY BOARD OF EDUCATION:
For capital outlay purposes for Central School ..... 372,400.00

Section 47. BULLOCK COUNTY SCHOOL BOARD:
For burned out school buildings ..... 245,000.00

Section 48. MACON COUNTY SCHOOL BOARD:
For burned out school buildings ..... 245,000.00

Section 49. PERRY COUNTY BOARD OF EDUCATION:
For capital outlay purposes for the school located in Heiberger Community ..... 294,000.00

| | | |
|---|---|---|
| Section 50. | THE ALABAMA POST-SECONDARY 1202 COMMISSION: | |
| For the Alabama Student Assistance Program | | 343,000.00 |
| Section 51. | ALABAMA PEACE OFFICERS AND STANDARDS TRAINING COMMISSION | 49,000.00 |
| Section 52. | GADSDEN CITY BOARD OF EDUCATION: | |
| For Capital Outlay | | 294,000.00 |
| Section 53: | CHILTON COUNTY BOARD OF EDUCATION: | |
| For Capital Outlay | | 441,000.00 |
| Section 54. | ALABAMA FIREFIGHTERS PERSONNEL STANDARDS EDUCATION COMMISSION | 29,400.00 |
| Section 55. | ALABAMA COUNCIL ON THE ARTS AND HUMANITIES | 147,000.00 |
| Section 56. | COVINGTON COUNTY BOARD OF EDUCATION: | |
| For construction and equipment purchases at Red Level Grammar School | | 441,000.00" |

GOVERNOR'S MESSAGE

Mr. Merrill offered the motion that the House concur in and adopt the amendment proposed by His Excellency, the Governor, to the bill, H. 9, said Governor's amendment being set out in the above and foregoing Message from the Governor.

MOTION TO TABLE LOST

The motion offered by Mr. Johnson to table the amendment proposed by His Excellency the Governor was lost.

Yeas 36; Nays 55.

*Yeas:*

Messrs.: Albright, Armstrong, Boles, Brindley, Drake, Ford, Greer, Hall, Harrison, Hill, Holley, Hopping, Howard, Jackson (R), Johnson, Jolly, LeFlore, Leonard, Lewis, Lockett, McNair, McNees, Martin, Plaster, Porter, Quarles, Reed, Riddick, Roberts, Smith (C), Sparks, Taylor, Waggoner, Warren, Whatley and Wyatt.

—36

*Nays:*

Mr. Speaker, Andrews, Baker, Barron, Biddle, Callahan, Campbell, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Edwards, Falkenburg, Folmar, Gafford, Glass, Gregg, Harris, Higginbotham, Hines, Holmes, Jackson (F), Killian, Kinsey, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Rich, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Starkey, Teague, Trammell, Venable, Weeks, White and Williams.

—55

MOTION TO ADJOURN LOST

The motion offered by Mr. Johnson that the House adjourn until 10:00 o'clock a. m., Tuesday, November 18, 1975, was lost.

Yeas 25; Nays 66.

*Yeas:*

Messrs.: Albright, Boles, Brindley, Hall, Harrison, Holley, Hopping, Howard, Johnson, Johnstone, LeFlore, Lewis, Lockett, McNair, McNees, Martin, Porter, Quarles, Reed, Roberts, Smith (C), Sparks, Starkey, Trammell and Wyatt.

—25

*Nays:*

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Gregg, Harris, Higginbotham, Hill, Hines, Holmes, Jackson (F), Jackson (R), Jolly, Killian, Kinsey, Leonard, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Taylor, Teague, Venable, Waggoner, Warren, Weeks, Whatley, White and Williams.

—66

The question was then on the motion previously offered by Mr. Merrill that the House concur in and adopt the amendment proposed by His Excellency the Governor to the bill, H. 9, and the motion was adopted.

Yeas 61; Nays 31.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Edwards, Falkenburg, Folmar, Gafford, Glass, Gregg, Harris, Harrison, Higginbotham, Hines, Holmes, Jackson (F), Johnstone, Jolly, Killian, Kinsey, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Rich, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith, (M), Starkey, Teague, Trammell, Venable, Waggoner, Weeks, White and Williams.

—61

*Nays:*

Messrs.: Albright, Boles, Drake, Ford, Greer, Hall, Hill, Holley, Hopping, Howard, Jackson (R), Johnson, LeFlore, Leonard, Lewis, Lockett, McNair, McNees, Plaster, Porter, Quarles, Reed, Riddick, Roberts, Smith (C), Sonnier, Sparks, Taylor, Warren, Whatley and Wyatt.

—31

And the bill:

H. 9. To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1976.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 68; Nays 21.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Gregg, Harris, Harrison, Higginbotham, Hill, Hines, Holmes, Jackson (F), Johnstone, Jolly, Killian, Kinsey, LeFlore, Leonard, Lockett, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Rich, Riddick, Robertson, Sandusky, Sasser, Shelton, Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Venable, Waggoner, Weeks, White, Williams and Wyatt.

—68

*Nays:*

Messrs.: Boles, Dial, Drake, Hall, Holley, Hopping, Howard, Jackson (R), Johnson, Lutz, McNair, McNees, Morris, Porter, Quarles, Reed, Roberts, Smith (B), Smith (C), Sparks and Warren.

—21

## MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Mr. Manley offered the motion to reconsider the vote by which the resolution, H. R. 93, was adopted, and the motion was adopted.

## H. R. 93 TEMPORARILY CARRIED OVER

On motion of Mr. Manley, the resolution, H. R. 93, was temporarily carried over.

## RESOLUTIONS

The following resolutions were introduced:

By Mr. Robertson:

H. R. 99. WHEREAS, the head coaches of the University of Nebraska and Oklahoma University have made unkind remarks about the University of Alabama's decision to go to the Sugar Bowl and about Paul Bryant head coach of the Crimson Tide, now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That we send our condolences to the loser of the Nebraska-Oklahoma game.

Also resolved that the clerk of the House be instructed to send letters of condolence to each school because they are unable to meet the Crimson Tide of Alabama in gridiron battle, New Year's Eve, in New Orleans, La.

Mr. Robertson offered the motion to suspend the rules and adopt the resolution, H. R. 99.

## DIVISION OF THE QUESTION

Mr. Pegues called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Mr. Robertson to suspend the rules in order to take up for immediate consideration the resolution, H. R. 99, and the motion was lost.

The resolution, H. R. 99, was read and referred to the Standing Committee on Rules.

Also:

By Messrs. Malone, Glass, Johnstone, Callahan, Sandusky, Sonnier, LeFlore, Cooper, McMillan, McCulley, Kennedy, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. R. 100. MOURNING THE DEATH OF DEPUTY SHERIFF DAVID B. BECK SHOT IN THE LINE OF DUTY IN MOBILE COUNTY.

WHEREAS, the House of Representatives is deeply saddened and numbed at the news of the death of Deputy Sheriff David B. Beck, killed in the line of duty in Mobile County; and

WHEREAS, Sheriff David B. Beck has served the citizens of Mobile County with great distinction and bravery; and

WHEREAS, Sheriff Beck has given his life in the line of duty; and

WHEREAS, the House of Representatives is outraged at the dastardly act which snuffed out the life of this dedicated law officer; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That we do most profoundly mourn the death of Deputy Sheriff David B. Beck and express our heartfelt sympathy to the members of his family, to whom copies of this resolution shall be sent.

BE IT FURTHER RESOLVED, That we do express our most vehement outrage at this senseless and dastardly act which deprives the people of Mobile County and the citizens of this State of one of its finest and most courageous law enforcement officers.

On motion of Mr. Malone, the rules were suspended and the resolution, H. R. 100, was adopted.

Also:

By Messrs. Malone, Glass, Johnstone, Callahan, Sandusky, Sonnier, LeFlore, Cooper, McMillan, McCulley, Kennedy, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin,

Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. R. 101. MOURNING THE DEATH OF DEPUTY SHERIFF ROBERT STOLZ SHOT IN THE LINE OF DUTY IN MOBILE COUNTY.

WHEREAS, the House of Representatives is deeply saddened and numbed at the news of the death of Deputy Sheriff Robert Stolz, killed in the line of duty in Mobile County; and

WHEREAS, Sheriff Stolz has served the citizens of Mobile County with great distinction and bravery; and

WHEREAS, Sheriff Stolz has given his life in the line of duty; and

WHEREAS, the House of Representatives is outraged at the dastardly act which snuffed out the life of this dedicated law officer; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That we do most profoundly mourn the death of Deputy Sheriff Robert Stolz and express our heartfelt sympathy to the members of his family, to whom copies of this resolution shall be sent.

BE IT FURTHER RESOLVED, That we do express our most vehement outrage at this senseless and dastardly act which deprives the people of Mobile County and the citizens of this State of one of its finest and most courageous law enforcement officers.

On motion of Mr. Malone, the rules were suspended and the resolution, H. R. 101, was adopted.

## CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 6:15 p. m. on November 17, 1975:

H. 9

H. 53

JOHN W. PEMBERTON,
Clerk.

## ADJOURNMENT

On motion of Mr. Manley, the House adjourned until 9:00 o'clock a. m., Tuesday, November 18, 1975.

## TWELFTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, November 18, 1975

The House met pursuant to adjournment.

## PRAYER

The session was opened with prayer by Representative Hubert Taylor of Gadsden, Alabama.

## ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—102

A quorum was present.

## REPORT OF STANDING COMMITTEE ON RULES

House of Representatives

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eleventh legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Owens, the reading at length of the Journal of the House for the eleventh legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the legislative day was approved.

## LEAVES OF ABSENCE

At the request of Mr. Sasser, leave of absence was granted for Mr. Carothers, due to illness.

At the request of Mr. Waggoner, leave of absence was granted for Mr. White, due to illness in the family.

## RECESS

On motion of Mr. Crowe, the House recessed subject to the call of the Chair.

## HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the Bill:

S. 47. To provide for the creation of the Alabama Elected Officials Retirement Fund; to provide for the actuarially sound administration and supervision thereof; to provide for the payment of contributions by the members of said fund; and further to provide for the necessary and proper appropriations and other employer costs to carry out the provisions of this Act.

and requests a Committee on Conference.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Baker, Owen and Foshee.

McDOWELL LEE,
Secretary.

## SENATE MESSAGE

On motion of Mr. McCluskey, the House acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 47.

Yeas 71; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Carter, Cates, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Harris, Hill, Hilliard, Hines, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Leonard, Lewis, Lutz, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Venable, Waggoner, Warren, Whatley and Wyatt.

—71

## COMMITTEE APPOINTED

And the Speaker named as a Committee on Conference on the part of the House Messrs. Robertson, Killian and McCluskey.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the Bill:

S. 123. To amend Act No. 556, H. 857, Regular Session 1975, which relates to establishing a new fee schedule for services rendered in probate offices, so as to reduce the per page cost from $5.00 per page to $2.00 per page for pages where a substantial part of such page is printed in smaller type than 10 point.

and requests a Committee on Conference.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Mitchell, Bank and Littleton.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Campbell, the House acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 123.

Yeas 78; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carter, Cates, Cooper, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Hill, Hilliard, Hines, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Reed, Rich, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Whatley and Wyatt.

—78

COMMITTEE APPOINTED

And the Speaker named as a Committee on Conference on the part of the House Messrs. Campbell, Morris and Greer.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 121. To exempt the Chilton County Rescue Squad from the payment of all sales and use taxes.

Also:

H. 246. To include members of the State Board of Pardons and Paroles or former members of said Board and Director of Physical Fitness Department under the State Employees' Retirement System; to provide that each member shall be eligible for coverage under the system from the date on which he assumed his office; also provides for necessary employee contributions and state appropriations.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 143. To repeal Act No. 996, H. 1845, 1973 Regular Session (Acts of 1973, p. 1509), entitled "An Act Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the

most recent federal decennial census; to impose certain additional privilege or license taxes upon the sale of malt or brewed beverages in certain areas of said counties, and to provide for the collection and distribution of said taxes."

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 141. To repeal Act No. 646, H. 1665, 1973 Regular Session (Acts of 1973, p. 960), entitled "An Act Relating to counties having a population of not less than 90,000 nor more than 100,000, according to the most recent federal decennial census; levying privilege or license taxes upon sellers, distributors, storers, or users of malt or brewed beverages; providing for the administration of the act by the county commission, board of revenue, or like governing body of such counties and the collection and distribution of the proceeds of the tax; prescribing penalties for violations."

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 2. To name three buildings on the Gadsden State Junior College Campus.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Ford, the House non-concurred in the Senate amendment to the bill, H. 2, and requested a Committee on Conference, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To name a building on Gadsden State Junior College Campus.

WHEREAS Mr. Frank Helderman, Sr., has made many outstanding contributions to education in this state and particularly at Gadsden State Junior College; and

WHEREAS this bill is in recognition of the achievements of Mr. Frank Helderman, Sr., now therefore

Be It Enacted by the Legislature of Alabama:

Section 1. The Nursing Education Building now under construction on the Gadsden State Junior College Campus is hereby designated the Frank Helderman, Sr., Building in honor of Frank Helderman, Sr.

Section 2. Gadsden State Junior College is hereby authorized and directed to, immediately upon completion, appropriate markers displaying the name hereby established.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 74; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carter, Cates, Cooper, Crawford, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Harris, Higginbotham, Hill, Hilliard, Hines, Holmes, Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McMillan, McNees, Manley, Merrill, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Quarles, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Williams and Wyatt.

—74

COMMITTEE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House Messrs. Ford, Taylor and Rich.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the amendment proposed by His Excellency, the Governor, to the Bill:

H. 9. To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1976.

by a vote of: Yeas 21, Nays 11, which was a majority of the whole number elected to the Senate.

And the Senate reconsidered the Bill, H. B. 9.

And said Bill, H. B. 9, was again read at length and passed, the Governor's objections to the contrary notwithstanding, by a vote of Yeas 20, Nays 12, which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 9, together with the amendment proposed by His Excellency, the Governor, is herewith returned to the House.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The House proceeded to reconsider the bill, H. 9. The question was on the passage of the bill, H. 9, the Governor's objections to the contrary notwithstanding.

Mr. Merrill moved passage of the bill, H. 9, the Governor's objections to the contrary notwithstanding.

SUBSTITUTE MOTION TABLED

On motion of Mr. Merrill, the substitute motion offered by Mr. Lutz that the House non-concur in the Senate action on the bill, H. 9, was tabled.

Yeas 54; Nays 40.

*Yeas:*

Messrs.: Albright, Armstrong, Baker, Boles, Brindley, Carter, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Holmes, Hopping, Jackson (F), Jackson (R), Johnson, Kelley, Kinsey, Lee, Leonard, McNees, Martin, Merrill, Naramore, Plaster, Porter, Reed, Rich, Riddick, Roberts, Sasser, Shelton, Smith (C), Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Waggoner, Weeks, Whatley and Wyatt.

—54

*Nays:*

Mr. Speaker, Barron, Biddle, Callahan, Campbell, Cates, Cooper, Dial, Gafford, Glass, Harris, Harrison, Johnstone, Jolly, Kennedy, Killian, LeFlore, Lockett, Lutz, McCluskey, McCulley, McNair, Malone, Manley, Moore (O), Moore (W), Morris, Owens, Pegues, Quarles, Robertson, Sandusky, Smith (B), Smith (J), Smith (M), Sonnier, Teague, Venable, Warren and Williams.

—40

The question was then on the motion offered by Mr. Merrill for passage of the bill, H. 9, the Governor's objections to the contrary notwithstanding, and the motion was adopted.

Yeas 57; Nays 37.

*Yeas:*

Messrs.: Armstrong, Baker, Boles, Brindley, Carter, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Higginbotham, Hill, Hilliard, Hines, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Kelley, Kinsey, Lee, LeFlore, Leonard, Lewis, McNees, Martin, Merrill, Naramore, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sasser, Shelton, Smith (C), Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Waggoner, Weeks, Whatley and Wyatt.

—57

*Nays:*

Mr. Speaker, Barron, Biddle, Callahan, Campbell, Cates, Cooper, Dial, Gafford, Glass, Harris, Harrison, Johnstone, Jolly, Kennedy, Killian, Lockett, Lutz, McCluskey, McCulley, McNair, Malone, Manley, Moore (O), Moore (W), Morris, Owens, Pegues, Robertson, Sandusky, Smith (B), Smith (J), Smith (M), Sonnier, Venable, Warren and Williams.

—37

Which was a majority of the whole number elected to the House.

And the bill, H. 9, was again read at length and passed, the Governor's objections to the contrary notwithstanding.

Yeas 57; Nays 39.

*Yeas:*

Messrs.: Albright, Armstrong, Baker, Boles, Brindley, Carter, Coburn, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Goodwin,

Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Holmes, Hopping, Jackson (F), Jackson (R), Johnson, Kelley, Kinsey, Lee, LeFlore, Lewis, McNees, Martin, Merrill, Naramore, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sasser, Shelton, Smith (C), Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Waggoner, Weeks, Whatley and Wyatt.

—57

*Nays:*

Mr. Speaker, Barron, Biddle, Callahan, Campbell, Cates, Cooper, Dial, Gafford, Glass, Harris, Harrison, Howard, Johnstone, Jolly, Kennedy, Killian, Leonard, Lockett, Lutz, McCluskey, McCulley, McNair, Malone, Manley, Moore (O), Moore (W), Morris, Owens, Pegues, Robertson, Sandusky, Smith (B), Smith (J), Smith (M), Sonnier, Venable, Warren and Williams.

—39

Which was a majority of the whole number elected to the House.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 82. CONGRATULATING MRS. FLORENCE "TINY" BARRON FOR BEING SELECTED "STATE NURSE OF THE YEAR".

Also:

H. J. R. 85. COMMENDING GRISSOM HIGH SCHOOL BAND OF HUNTSVILLE.

Also:

H. J. R. 86. CONGRATULATING MRS. DORA JEAN HILL FOR BEING SELECTED AS THE 1975 CLASSROOM TEACHER OF THE YEAR.

Also:

H. J. R. 87. CONGRATULATING THE AUTAUGA ACADEMY FOOTBALL TEAM ON ITS FINE SEASON.

Also:

H. J. R. 89. COMMENDING MURPHY HIGH SCHOOL FOOTBALL TEAM FOR BEING THE REGION I CHAMPION.

Also:

H. J. R. 92. MOURNING THE DEATH OF JOE W. GRAHAM.

Also:

H. J. R. 94. CONGRATULATING LEAH RAWLS ATKINS, THE FIRST WOMAN TO BE NAMED TO THE ALABAMA SPORTS HALL OF FAME.

Also:

H. J. R. 95. CONGRATULATING JACKIE HAYES FOR BEING NAMED TO THE 1976 ALABAMA SPORTS HALL OF FAME INDUCTION.

Also:

H. J. R. 96. COMMENDING THE WEST END LIONS FOOTBALL TEAM FOR THEIR SECOND CONSECUTIVE UNDEFEATED REGULAR FOOTBALL SEASON AND THEIR HISTORIC FOOTBALL VICTORY OVER JEFF DAVIS HIGH SCHOOL.

Also:

H. J. R. 97. EXTENDING A HAPPY BIRTHDAY TO MR. JEWEL MCNAIR.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 62. To amend Section 440, Title 37, Code of Alabama 1940, as amended, so as to provide for the establishment of the salary of the mayor in municipalities organized and operating under the mayor-council form of government; to require the council to fix the salary of the mayor at least six months prior to the next general municipal election.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 104. To amend Sections 1, 2, 3, 4, 5, 6, 13, 13½, 14, 15, 16, 18, 19, 20, 24, 25, 28, 29, 33, 35, 39, 41, 42, 44, 49, 50, 52, 55, 57, 62, 69, 72, 73, 74, 75, 76, 78, 79, 80, 81, 82, 83, 84, 85, 87, 89, 90, 92, 93, and 106 of Act No. 207, S. 134, Regular Session 1949, (Acts 1949, p 242), as amended, the Act known as the "Alabama Coal Mine Safety Law of 1949", so as to further provide for the health and safety of persons engaged in the mining of coal; for the qualifications and duties of mine inspectors; for the regulation and inspection of underground coal mines in accordance with modern mining practices; for equipment and ventilation standards in order to promote health and safety; for the safe design, maintenance and use of mechanical and electrical equipment; for required first aid and safety equipment; for the establishment of operating procedures to promote mining health and safety.

Also:

H. 43. Relating to any county having a population of not less than 115,000 nor more than 150,000 according to the most recent federal decennial census; prescribing the terms of office for the tax assessor and tax collector.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 141. To repeal Act No. 646, H. 1665, 1973 Regular Session (Acts of 1973, p. 960), entitled "An Act Relating to counties having a population of not less than 90,000 nor more than 100,000, according to the most recent federal decennial census; levying privilege or license taxes upon sellers, distributors, storers, or users of malt or brewed beverages; providing for the administration of the act by the county commission, board of revenue, or like governing body of such counties and the collection and distribution of the proceeds of the tax; prescribing penalties for violations."

Also:

S. 143. To repeal Act No. 996, H. 1845, 1973 Regular Session (Acts of 1973, p. 1509), entitled "An Act Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census; to impose certain additional privilege or license taxes upon the sale of malt or brewed beverages in certain areas of said counties, and to provide for the collection and distribution of said taxes."

McDOWELL LEE,
Secretary.

## SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

## RESOLUTION

The following resolution was introduced:

By Mr. Sasser:

H. R. 102. REQUIRING CERTAIN ACCOUNTING BY VARIOUS ELEMENTS OF EDUCATION IN ALABAMA.

WHEREAS, the Legislature of Alabama is called upon to appropriate vast sums of tax monies to the various elements of education in Alabama; and

WHEREAS, the Legislature needs all information possible at its disposal when it considers appropriating tax monies; and

WHEREAS, the funds on hand and reserves held by the various elements of education are of prime interest in the consideration of the appropriation of funds to education; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That all state boards of education, all county and city boards of education, and boards of trustees of all institutions having separate boards, shall be required to compile certified statements as to their fund balances in all reserve accounts and of fund balances in all endowment funds or accounts as of December 31, 1975. These certified statements shall be delivered to the Clerk of the House of Representatives no later than March 15, 1976, and the Clerk of the House of Representatives shall compile all said data and report in writing to the House of Representatives and also to each individual legislator no later than April 15, 1976.

On motion of Mr. Sasser, the rules were suspended and the resolution, H. R. 102, was adopted.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the differences between the two Houses on the House amendment to the Bill:

S. 47. To provide for the creation of the Alabama Elected Officials Retirement Fund; to provide for the actuarially sound administration and supervision thereof; to provide for the payment of contributions by the members of said fund; and further to provide for the necessary and proper appropriations and other employer costs to carry out the provisions of this Act.

said Conference Report being in words and figures as follows, to-wit:

### REPORT OF THE CONFERENCE COMMITTEE ON SENATE BILL 47

We, the committee on conference appointed to reconcile the differences of the two houses concerning the House amendments for Senate bill 47, have met in conference, considered the matter in conference, and have agreed to the following report:

Amend Senate Bill 47 by striking through the figure sixteen (16) on page 5, line 27, and inserting in lieu thereof the figure twelve (12).

Further amend Senate Bill 47 on page 8 line 10 strike Section 10 add a new Section as follows:

"Section 10. Anything in this Act to the contrary nothwithstanding, Registers in Equity and Court Reporters shall be qualified and entitled to participate in this retirement system whether elected or appointed."

Further amend the bill by striking subsection (1) of SECTION 1 of the bill and inserting the following:

"(1) Elected Official" shall mean any duly elected state, county or municipal official of Alabama except that it shall not include a judge of a district court, a judge of a Probate Court, a judge of a Circuit Court, a judge of the Court of Criminal Appeals, a judge of the Court of Civil Appeals, a justice or chief justice of the Alabama Supreme Court, or a member of the Legislature;".

John M. Baker
E. C. Foshee
L. D. Owens, Jr.
Conferees on Part of the Senate

Roger Killian
Murray P. McCluskey
Edward D. Robertson
Conferees on Part of the House

And said Bill, S. B. 47, together with the report of the Committee on Conference, is herewith sent to the House for its consideration.

McDOWELL LEE,
Secretary.

## SENATE MESSAGE

Mr. Robertson offered the motion that the House concur in and adopt the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 47, said report being set out in the above and foregoing Message from the Senate.

## SUBSTITUTE MOTION TABLED

On motion of Mr. Robertson, the substitute motion offered by Mr. Cates that the House non-concur in the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 47 was tabled.

Yeas 33; Nays 14.

*Yeas:*

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Campbell, Dial, Falkenburg, Gafford, Goodwin, Greer, Gregg, Hill, Hopping, Howard, Johnstone, Killian, Lee, Leonard, Lutz, McCluskey, McNees, Manley, Martin, Pegues, Quarles, Rich, Riddick, Roberts, Robertson, Shelton, Sparks and Taylor.

—33

*Nays:*

Messrs.: Andrews, Barron, Cates, Coburn, Harrison, Lewis, Moore (W), Morris, Plaster, Smith (B), Smith (C), Venable, Whatley and Wyatt.

—14

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the motion offered by Mr. Robertson that the House concur in and adopt the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 47, and the motion was adopted.

Yeas 48; Nays 7.

*Yeas:*

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Callahan, Campbell, Carter, Coburn, Dial, Drake, Falkenburg, Gafford, Goodwin, Greer, Gregg, Hill, Hopping, Howard, Johnstone, Jolly, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McNees, Manley, Martin, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Shelton, Smith (B), Smith (M), Sparks, Taylor, Trammell, Venable, Waggoner and Williams.

—48

*Nays:*

Messrs.: Barron, Cates, Harrison, Moore (W), Morris, Smith (C) and Wyatt.

—7

And the bill:

S. 47. To provide for the creation of the Alabama Elected Officials Retirement Fund; to provide for the actuarially sound administration

and supervision thereof; to provide for the payment of contributions by the members of said fund; and further to provide for the necessary and proper appropriations and other employer costs to carry out the provisions of this Act.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 48; Nays 11.

*Yeas:*

Messrs.: Andrews, Armstrong, Baker, Biddle, Callahan, Campbell, Carter, Coburn, Cooper, Dial, Drake, Folmar, Gafford, Goodwin, Greer, Gregg, Hill, Hopping, Howard, Johnstone, Jolly, Kelley, Killian, Lee, Leonard, Lockett, Lutz, McCluskey, McNees, Manley, Martin, Moore (O), Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (M), Sparks, Trammell, Venable, Waggoner and Williams.

—48

*Nays:*

Messrs.: Barron, Cates, Harrison, Lewis, Moore (W), Rich, Smith (C), Smith (J), Taylor, Whatley and Wyatt.

—11

RESOLUTION

The following resolution was introduced:

By Mr. McNees:

H. R. 103. COMMENDING KENNEDY HIGH SCHOOL FOOTBALL TEAM FOR WINNING THE STATE AREA 13, CLASS A FOOTBALL CHAMPIONSHIP.

WHEREAS Kennedy High School of Lamar County has completed one of its finest football seasons; and

WHEREAS the Kennedy High School football team did win over many fine teams across the state, and did surprise many so-called football prognosticators, and did delight many fans throughout the season; and

WHEREAS this team did capture the coveted State Area 13, Class A Football Championship as a grand finale to its successful season; and

WHEREAS this season was the result of the coaching of Coach Bill Trull and the sportsmanship, teamwork and hardnosed playing of the Kennedy High School football team; and

WHEREAS these young men and their coach are to be greatly commended; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That they do heartily congratulate Kennedy High School on winning the State Area 13, Class A Football Championship.

BE IT FURTHER RESOLVED, That the Clerk of the House send sufficient copies of this resolution for distribution among the members of the football team, Coach Bill Trull and to Principal Riley McGee of Kennedy High School.

On motion of Mr. McNees, the rules were suspended and the resolution, H. R. 103, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Givhan:

S. J. R. 40. CREATING A SELECT JOINT INTERIM COMMITTEE TO STUDY ALL FACTORS RELATING TO OR AFFECTING THE SALE OF GRAIN.

WHEREAS, the farmers of this State as well as other dealers in grain products are unable to get their gain unloaded and accepted within a reasonable period of time; and,

WHEREAS, this delay not only causes a great inconvenience and financial loss to farmers, but it also results in a loss of revenue to the State; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint select interim committee to be composed of four members of the House and three members of the Senate to be appointed by the presiding officer of each house. The committee shall elect from its members a chairman and vice-chairman. Such members shall be appointed from the Joint Interim Agriculture Committee. The Committee shall investigate all factors relating to or affecting the sale of grain in the State. The Chairman of the Committee shall conduct hearings and examine witnesses who appear before the Committee and may appoint sub-committees and invest them with such authority as may be necessary to conduct the Committee's business and expedite its work.

Upon the request of the Chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the Committee's work.

The Committee shall report its findings, conclusions and recommendations to the Legislature not later than the fifth legislative day of the 1976 Regular Session. Whereupon the Committee shall be dissolved. Each member of the Committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the Committee which shall be paid out of any funds appropriated to the use of the Legislature, not to exceed $4,000, on warrants drawn on the state comptroller upon requisition signed by the Committee's Chairman.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Whatley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 40, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Clemon:

S. J. R. 39. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That one member

of the Alabama House of Representatives, to be appointed by the Speaker of the House, and one member of the Alabama Senate, to be appointed by the Lieutenant Governor, be sent to the National Caucus of Black Officials in Washington, D. C.

BE IT FURTHER RESOLVED, That the Legislature of Alabama shall pay all necessary expenses for the Convention and the per diem expenses to and from Washington, D. C.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Mr. Reed offered the motion to suspend the rules and adopt the resolution, S. J. R. 39, set out in the above and foregoing Message from the Senate.

DIVISION OF THE QUESTION

Mr. Harris called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Mr. Reed to suspend the rules in order to take up for immediate consideration the resolution, S. J. R. 39, and the motion was lost.

The resolution, S. J. R. 39, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the differences between the two Houses on the House amendment to the Bill:

S. 123. To amend Act No. 556, H. 857, Regular Session 1975, which relates to establishing a new fee schedule for services rendered in probate offices, so as to reduce the per page cost from $5.00 per page to $2.00 per page for pages where a substantial part of such page is printed in smaller type than 10 point.

said Conference Report being in words and figures as follows, to-wit:

REPORT OF CONFERENCE COMMITTEE

To the Members of the Legislature:

We, your conferees, appointed to reconcile the differences between the two houses on Senate Bill 123, as amended beg leave to report as follows:

We recommend that both houses pass Senate Bill 123 and that said bill be further amended as follows:

Amend Senate Bill 123, page 4, lines 22-27, by deleting therefrom said lines and substituting in lieu thereof the following:

Filing and recording, including recording documents filed for record, irrespective of size type, per page ..... $ 1.50
Provided, however, filing and recording all oil, gas, mineral and/or coal leases shall be per page ..... $ 5.00

Further amend Senate Bill 123, as amended, page 2, line 27, by striking the figure $15.00 and substituting in lieu thereof the figure ..... $ 7.50

Further amend Senate Bill 123, as amended, by striking all amendments thereto as heretofore adopted by the House and Senate.

Wendell W. Mitchell
Obie J. Littleton
Bert Bank
Conferees on the Part of the Senate

Lynn Greer
Frank Campbell
Larry Morris
Conferees on the Part of the House

And said Bill, S. B. 123, together with the report of the Committee on Conference, is herewith sent to the House for its consideration.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Greer, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 123, said report being set out in the above and foregoing Message from the Senate.

Yeas 65; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Campbell, Carter, Cates, Coburn, Cooper, Dial, Drake, Edwards, Falkenburg, Folmar, Glass, Goodwin, Harris, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McNees, Malone, Manley, Martin, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Teague, Trammell, Venable, Warren, Weeks, Whatley and Wyatt.

—65

And the bill:

S. 123. To amend Act No. 556, H. 857, Regular Session 1975, which relates to establishing a new fee schedule for services rendered in probate offices, so as to reduce the per page cost from $5.00 per page to $2.00 per page for pages where a substantial part of such page is printed in smaller type than 10 point.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 67; Nays 0.

*Yeas:*

Mr. Speaker, Albright Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carter, Cates, Coburn, Cooper, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Harris, Hill, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley,

Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Martin, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Venable, Warren, Weeks and Wyatt.

—67

## RESOLUTIONS

The following resolutions were introduced:

By Messrs. Gafford, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. R. 104. ASSURING DEWEY A. WHITE, SR. OUR PRAYERS AND WISHES FOR A SPEEDY RECOVERY.

WHEREAS, Dewey A. White, Sr., father of our distinguished colleague, Dr. Dewey A. White, Jr., lies gravely ill in St. Vincent's Hospital in Birmingham; and

WHEREAS, the House of Representatives is deeply saddened to learn of Mr. White's condition; and

WHEREAS, we wish for Dewey A. White, Sr. a speedy and complete recovery; and

WHEREAS, the members of this body want to assure their colleague and his family that they are with them in thought and prayers; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That we do send our best wishes and prayers to Mr. Dewey A. White, Sr. for a speedy and complete recovery and we wish him Godspeed.

BE IT FURTHER RESOLVED, That this body has its colleague Dr. Dewey A. White, Jr. and his family in its thoughts and prayers.

RESOLVED FURTHER, That the clerk of the House shall send a copy of this resolution to Dr. Dewey A. White, Jr.

On motion of Mr. Gafford, the rules were suspended and the resolution, H. R. 104, was adopted.

Also:

By Mr. Owens:

H. J. R. 105. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That, when the two Houses adjourn today, they adjourn sine die.

On motion of Mr. Owens, the rules were suspended and the resolution, H. J. R. 105, was adopted.

RECESS

On motion of Mr. Manley, the House recessed for fifteen minutes.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

RECESS

On motion of Mr. Manley, the House stood in informal recess until 2:30 o'clock p. m.

HOUSE RECONVENED

The hour 2:30 o'clock p. m. having arrived, the House reconvened. The Speaker called the House to order.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 9. To make annual appropriations for the support, maintenance, and development of public education in Alabama for the fiscal year ending September 30, 1976.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 121. To exempt the Chilton County Rescue Squad from the payment of all sales and use taxes.

Also:

H. 246. To include members of the State Board of Pardons and Paroles or former members of said Board and Director of Physical Fitness Department under the State Employees' Retirement System; to provide that each member shall be eligible for coverage under the system from

the date on which he assumed his office; also provides for necessary employee contributions and state appropriations.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 43. Relating to any county having a population of not less than 115,000 nor more than 150,000 according to the most recent federal decennial census; prescribing the terms of office for the tax assessor and tax collector.

Also:

H. 62. To amend Section 440, Title 37, Code of Alabama 1940, as amended, so as to provide for the establishment of the salary of the mayor in municipalities organized and operating under the mayor-council form of government; to require the council to fix the salary of the mayor at least six months prior to the next general municipal election.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 104. To amend Sections 1, 2, 3, 4, 5, 6, 13, 13½, 14, 15, 16, 18, 19, 20, 24, 25, 28, 29, 33, 35, 39, 41, 42, 44, 49, 50, 52, 55, 57, 62, 69, 72, 73, 74, 75, 76, 78, 79, 80, 81, 82, 83, 84, 85, 87, 89, 90, 92, 93, and 106 of Act No. 207, S. 134, Regular Session 1949, (Acts 1949, p 242), as amended, the Act known as the "Alabama Coal Mine Safety Law of 1949", so as to further provide for the health and safety of persons engaged in the mining of coal; for the qualifications and duties of mine inspectors; for the regulation and inspection of underground coal mines in accord-

ance with modern mining practices; for equipment and ventilation standards in order to promote health and safety; for the safe design, maintenance and use of mechanical and electrical equipment; for required first aid and safety equipment; for the establishment of operating procedures to promote mining health and safety.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 82. Congratulating Mrs. Florence "Tiny" Barron for being selected "State Nurse of the Year".

Also:

H. J. R. 85. Commending Grissom High School Band of Huntsville.

Also:

H. J. R. 86. Congratulating Mrs. Dora Jean Hill for being selected as the 1975 Classroom Teacher of the Year.

Also:

H. J. R. 87. Congratulating the Autauga Academy Football Team on its fine season.

Also:

H. J. R. 89. Commending Murphy High School Football Team for being the Region I Champion.

Also:

H. J. R. 92. Mourning the death of Joe W. Graham.

Also:

H. J. R. 94. Congratulating Leah Rawls Atkins, the first woman to be named to the Alabama Sports Hall of Fame.

Also:

H. J. R. 95. Congratulating Jackie Hayes for being named to the 1976 Alabama Sports Hall of Fame Induction.

Also:

H. J. R. 96. Commending the West End Lions Football Team for their second consecutive undefeated regular football season and their historic football victory over Jeff Davis High School.

Also:

H. J. R. 97. Commending Mr. Jewel McNair.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MOTION TO RECONSIDER ADOPTED

Having voted on the Prevailing side, Mr. Callahan offered the motion to reconsider the vote by which the resolution, S. J. R. 40, was adopted, and to direct the Clerk to attempt to retrieve the resolution, S. J. R. 40, from the Senate, and the motion was adopted.

RESOLUTION

The following resolution was introduced:

By Mr. Callahan:

H. J. R. 106. CREATING A SELECT JOINT INTERIM COMMITTEE TO STUDY ALL FACTORS RELATING TO OR AFFECTING THE SALE OF GRAIN.

WHEREAS, the farmers of this State as well as other dealers in grain products are unable to get their grain unloaded and accepted within a reasonable period of time; and,

WHEREAS, this delay not only causes a great inconvenience and financial loss to farmers, but it also results in a loss of revenue to the State; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint select interim committee to be composed of four members of the House and three members of the Senate to be appointed by the presiding officer of each house. The committee shall elect from its members a chairman and vice-chairman. The Committee shall investigate all factors relating to or affecting the sale of grain in the State. The Chairman of the Committee shall conduct hearings and examine witnesses who appear before the Committee and may appoint sub-committees and investigate them with such authority as may be necessary to conduct the Committee's business and expedite its work.

Upon the request of the Chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the Committee's work.

The Committee shall report its findings, conclusions and recommendations to the Legislature not later than the fifth legislative day of the 1976 Regular Session. Whereupon the Committee shall be dissolved. Each member of the Committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the Committee which shall be paid out of any funds

appropriated to the use of the Legislature, not to exceed $4,000, on warrants drawn on the state comptroller upon requisition signed by the Committee's Chairman.

On motion of Mr. Callahan, the rules were suspended and the resolution, H. J. R. 106, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twelfth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Owens, the reading at length of the Journal of the House for the twelfth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twelfth legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 123. To amend Act No. 556, H. 857, Regular Session 1975, which relates to establishing a new fee schedule for services rendered in probate offices, so as to reduce the per page cost from $5.00 per page to $2.00 per page for pages where a substantial part of such page is printed in smaller type than 10 point.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 47. To provide for the creation of the Alabama Elected Officials Retirement Fund; to provide for the actuarially sound administration and supervision thereof; to provide for the payment of contributions by the members of said fund; and further to provide for the necessary and proper appropriations and other employer costs to carry out the provisions of this Act.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length

having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing Message from the Senate.

## COMMITTEE APPOINTMENTS

Under the provisions of S. J. R. 13, Act No. 68, the Speaker of the House of Representatives announced the appointment of Messrs. Higginbotham, Sasser, Jackson (R) and Pegues as House members of the Joint Interim Committee to Study the Management and Efficiency of the Department of Education.

Under the provisions of S. J. R. 20, Act No. 71, the Speaker of the House of Representatives announced the appointment of Messrs. Leonard, LeFlore and Turnham as House members of the Joint Interim Committee to Study Recovery, Re-use and Recycling of Materials.

Under the provisions of S. J. R. 29, Act No. 126, the Speaker of the House of Representatives announced the appointment of Messrs. Smith (C), Carothers and Lewis as House members on the Joint Interim Committee to Study the Needs of Vocational Education in Alabama.

Under the provisions of H. J. R. 10, Act No. 48, the Speaker of the House of Representatives announced the appointment of Messrs. Robertson, Reed and Hines as House members on the Joint Interim Committee to Study the Feasibility of Initiating a Pilot Prisoner Release Program.

Under the provisions of H. J. R. 19, Act No. 22, the Speaker of the House of Representatives announced the appointment of Messrs. Manley, Higginbotham, Porter and Riddick as House members on the Joint Supernumerary Study Committee.

Under the provisions of H. J. R. 28, Act No. 63, the Speaker of the House of Representatives announced the appointment of Messrs. Waggoner, Quarles, Kennedy and Smith (B), as House members for the continuation of Joint Committee to Study the Problems of Interstate and Intrastate Highway Safety.

## MESSAGE FROM THE SENATE

Under the provisions of H. J. R. 28, the President and Presiding Officer of the Senate announced the appointment of Messrs. Vacca, Ellis and Torbert as Senate members of the Joint Committee to Study the Problems of Interstate and Intrastate Highway Safety.

Under the provisions of S. J. R. 13, the President and Presiding Officer of the Senate announced the appointment of Messrs. Wilson, Foshee and Fine as Senate members of the Joint Interim Committee to Study Management and Efficiency of the Department of Education.

Under the provisions of S. J. R. 20, the President and Presiding Officer of the Senate announced the appointment of Messrs. Adams, Perloff and Ellis as Senate members of the Joint Interim Committee to Study Recycling of Materials.

Under the provisions of S. J. R. 29, the President and Presiding Officer of the Senate announced the appointment of Messrs. Mims, Littleton and Owen as Senate members of the Joint Interim Committee to Study Needs of Vocational Education.

Under the provisions of H. J. R. 10, the President and Presiding Officer of the Senate announced the appointment of Messrs. Gilmore and Powell as Senate members of the Joint Interim Committee to Study Pilot Prisoner Release Program.

Under the provisions of H. J. R. 19, the President and Presiding Officer of the Senate announced the appointment of Messrs. Noonan, Baker, Vacca and McDonald (A) as Senate members of the Joint Supernumerary Study Committee.

McDOWELL LEE,
Secretary.

## COMMITTEE APPOINTMENT SUBSTITUTES

Pursuant to S. J. R. 13, Act 68, 1975 Fourth Special Session, the Speaker of the House has substituted Nolan Williams for Ronald E. Jackson to the Joint Interim Committee to Study the Management and Efficiency of the Department of Education.

Pursuant to H. J. R. 368, Act 1001, 1975 Regular Session, the Speaker of the House has substituted Ronald E. Jackson for Nolan Williams to the Joint Interim Committee to Study the Feasibility of Adopting a Revised Criminal Code of the State of Alabama.

## CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold a receipt of the Executive Department for same.

Delivered to the Governor at 2:40 P. M. On November 18, 1975

H. 121
H. 246
H. 43
H. 62
H. 104
H. J. R. 82
H. J. R. 85
H. J. R. 86
H. J. R. 87
H. J. R. 89
H. J. R. 92
H. J. R. 94
H. J. R. 95
H. J. R. 96
H. J. R. 97

Delivered to the Secretary of State at 2:45 P. M. On November 18, 1975

H. 9

JOHN W. PEMBERTON,
Clerk.

HOUSE OF REPRESENTATIVES

OF THE

STATE OF ALABAMA

FOURTH EXTRAORDINARY SESSION 1975

LOBBYIST REGISTRATION

PURSUANT TO HOUSE RULES 62 AND 63

| NAME | NAME OF FIRM |
|---|---|
| Walter L. Allen | Association of Alabama Cemeteries<br>Association Management Services, Inc.<br>Natural Gas Association<br>Alabama Motorists Association |
| C. E. Avinger | Southern Bancorporation |
| Charles Walter Bates | U. S. Pipe and Foundry Company |
| William P. Boggs | Alabama Dry Docks and Ship Building Co. |
| J. B. Brand, Jr. | Associated Industries of Alabama |
| Thelma Braswell | Alabama Education Association |
| David C. Brown | University of North Alabama |
| Arthur A. Burks, Sr. | Alabama A & M University |
| John S. Casey | Alabama Bankers Association |
| Rudolph Davidson | University of Alabama in Birmingham |
| Donald Jackson Gibson | Troy State University |
| Dr. George E. Hardy, Jr. | Jefferson County Department of Health |
| Billy R. Hatley | Alabama Nursing Home Association |
| Edwin K. Livingston | Alabama Tax Assessors and Collectors Association |
| W. O. MacMahon, III | City of Birmingham |
| Harry M. McMillan | Alabama Bancorporation |
| Ruby B. Middleton | Alabama State Chiropractic Association |
| Gilbert Mobley | Associated Industries of Alabama |
| Price E. Robinson | Professional Fire Fighters of Alabama |
| T. Julian Skinner, Jr. | Alabama By-Products Corporation |
| Phil Smith | Alabama Institute for Deaf and Blind |

| | |
|---|---|
| Robert E. Strain | United States Steel Corporation |
| Harold E. Streetman | Automobile Dealers Association of Alabama, Inc. |
| Don F. Wasson | Alabama Mining Institute |

ADJOURNMENT

On motion of Mr. Harrison, the House adjourned sine die at 3:20 o'clock p. m., Tuesday, November 18, 1975.

Attest:

JOHN W. PEMBERTON
Clerk of the House of Representatives
of the Legislature of Alabama,
Fourth Extraordinary Session, 1975.

# HOUSE OF REPRESENTATIVES

## FOURTH SPECIAL SESSION 1975

## ALPHABETICAL ROSTER AND DISTRICT NUMBER

Robert E. Albright, 20
Richard Andrews, 34
Ralph (Buddy) Armstrong, 50
James A. Baker, 66
Bishop N. Barron, 79
Jack Biddle, III, 35
Hugh Boles, 42
Joe Brindley, 27
H. L. (Sonny) Callahan, 101
Frank Campbell, 90
Joe R. Carothers, Jr., 71
Tommy Carter, 16
Eric O. Cates, Jr., 84
George N. Clark, 88
Tom C. Coburn, 3
J. Gary Cooper, 103
Buddy Crawford, 70
Wayland Cross, 7
Robert T. Crowe, 12
Gerald Dial, 60
Tom Drake, 10
William Edwards, 83
Francis Falkenburg, 32
Joel M. Folmar, 68
Joe M. Ford, 28
Robert C. Gafford, 33
Bob Glass, 105
J. W. Goodwin, 4
Lynn Greer, 1
Richard Gregg, 19
Robert B. (Bob) Hall, 15
James D. Harris, Jr., 81
A. L. (Tony) Harrison, 44
G. J. Higginbotham (Dutch), 64
Robert M. Hill, Jr., 2
Earl F. Hilliard, 45
Leon Brooks Hines, 91
Jimmy W. Holley, 74
Alvin Holmes, 80
Jack Hopping, Sr., 40
Asbury Howard, 49
Frank Jackson, 75
Ronald E. Jackson, 38
Roy W. Johnson, Jr., 47
Douglas Johnstone, 104
Carl Jolly, 14
Phillip B. (Phil) Kelley, 26
Cain J. Kennedy, 98
Roger Killian, 24
Daniel L. Kinsey, 94
James G. Lee, 46
John L. LeFlore, 99
Tom Leonard, 37
Rufus A. Lewis, 77
John A. Lockett, Jr., 85
Hartwell Lutz, 22
Murray P. McCluskey, 54
Joe C. McCorquodale, Jr., 92
J. Henry McCulley, 96
John M. McMillan, Jr., 95
Chris McNair, 41
Allen McNees, 6
Robert (Ken) Malone, 97
Richard S. (Rick) Manley, 87
Charles B. Martin, 8
Hugh D. Merrill, 59
Hinton Mitchem, 25
Sonny Moore, Jr., 52
Warren C. Moore, 17
Larry Morris, 62
Alvis Naramore, 13
Walter Owens, 48
R. Leigh Pegues, 86
James J. Plaster, 82
Rev. John T. Porter, 39
Marilyn Quarles, 56
Thomas Reed, 67
Kerry Rich, 30
Frank Riddick, 18
Tommy Ed Roberts, 9
Edward Robertson (Big Ed), 89
J. Thomas (Tommy) Sandusky, 100
James G. Sasser, 69
Tom Shelton, 57
Bill Smith, 21
Curtis Smith, 53
Jack W. Smith, 73
Monroe Smith, 61
Nat Sonnier, 102
John R. Sparks, 11
Bethel D. Starkey, 23
Hubert L. Taylor, 29
John A. Teague, 55
Hoyt W. Trammell, 36
Jerome Tucker, 43
Pete Turnham, 63
Jack Venable, 76
J. T. (Jabo) Waggoner, Jr., 51
J. E. (Jimmy) Warren, 93
Paul J. Weeks, 5
Charles W. Whatley, 65
Dr. Dewey White, Jr., 31
R. Nolan Williams, 72
Cecil Wyatt, 78

# ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA

## FOURTH SPECIAL SESSION 1975

OFFICERS

JOE C. McCORQUODALE, JR., *Speaker,* Jackson

ROBERT T. (BOBBY TOM) CROWE
*Speaker, Pro-Tem,* Jasper

JOHN W. PEMBERTON, *Clerk,* Montgomery

MEMBERS OF THE HOUSE

| Dist. No. | Counties | Name | Address |
|---|---|---|---|
| 1 | LAUDERDALE | Lynn Greer | Rt. 3, Box 102, Rogersville 35652 |
| 2 | LAUDERDALE | Robert M. (Bob) Hill, Jr. | 119, Mobile Street, Plaza, Florence 35630 |
| 3 | LAUDERDALE, COLBERT, FRANKLIN | Tom C. Coburn | 1107 E. 3rd St., Tuscumbia 35674 |
| 4 | COLBERT, FRANKLIN | J. W. (Joe) Goodwin | 310 Ford Rd., Muscle Shoals 35660 |
| 5 | FRANKLIN, MARION | Paul J. Weeks | P. O. Box 674, Winfield 35594 |
| 6 | LAMAR, MARION, FAYETTE | Allen McNees | Rt. 1, Vernon 35592 |
| 7 | LAWRENCE, MORGAN | Wayland Cross | Box D, Courtland 35618 |
| 8 | MORGAN | Charles B. Martin | 1716 Camellia Dr., S.W., Decatur 35601 |
| 9 | MORGAN | Tommy Ed Roberts | 408 Rock Street, S. E., Hartselle 35640 |
| 10 | MORGAN, CULLMAN | Tom Drake | P. O. Box 36, Cullman 35055 |
| 11 | CULLMAN, WINSTON | John R. Sparks | 919 Nunnelly Dr., S.W., Cullman 35055 |
| 12 | WINSTON, WALKER | Robert T. (Bobby Tom) Crowe | Box 2308, Jasper 35501 |
| 13 | WALKER | Alvis Naramore | 5th Ave. & 19th Street, Jasper 35501 |

**ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued**

14 JEFFERSON, BLOUNT
Carl Jolly ..... P. O. Box 366, Gardendale 35071

15 JEFFERSON
Robert B. (Bob) Hall ..... Rt. 2, Box 593-W, Pinson 35126

16 LIMESTONE
Tommy Carter ..... Rt. 2, Elkmont 35620

17 LIMESTONE, MADISON
Warren C. Moore ..... Rt. 3, Box 875, Huntsville 35806

18 MADISON
Frank H. Riddick ..... 7804 Lauderdale Drive, Huntsville 35802

19 MADISON
Richard Gregg ..... 401 Wynn Dr., Huntsville 35805

20 MADISON
Robert E. Albright ..... 2024 Stanhope Dr., N.E., Huntsville 35811

21 MADISON
Bill Smith ..... 2203 Colice Rd., S.E., Huntsville 35801

22 MADISON, JACKSON
Hartwell Lutz ..... Suite 52, Central Bank Bldg., Huntsville 35801

23 JACKSON
Bethel D. Starkey ..... P. O. Box 3, Pisgah 35765

24 JACKSON, DeKALB
Roger Killian ..... P. O. Box 4, Fort Payne 35967

25 DeKALB, MARSHALL
Hinton Mitchem ..... P. O. Box 297, Albertville 35950

26 MARSHALL
Phillip B. (Phil) Kelley ..... Rt. 2, Box 486, Guntersville 35976

27 BLOUNT, ETOWAH, MARSHALL
Joe Brindley ..... Route 8, Box 161, Boaz 35957

28 ETOWAH
Joe M. Ford ..... 117 Arcade St., Gadsden 35903

29 ETOWAH
Hubert L. Taylor ..... 2714 Hazel Dr., Gadsden 35901

30 ETOWAH, CHEROKEE
Kerry Rich ..... Rt. 12, Gadsden 35901

31 JEFFERSON
Dr. Dewey White, Jr. ..... P. O. Box 7685A, Birmingham 35223

32 JEFFERSON
Francis Falkenburg ..... 3001 Argyle Rd., Birmingham 35213

## ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued

33 JEFFERSON
Robert C. (Bob) Gafford .... 5345 Division Ave., Birmingham 35212

34 JEFFERSON
Richard Andrews ..... P. O. Box 6061, Birmingham 35209

35 JEFFERSON
Jack Biddle, III ..... 2256 Pinehurst Dr., Gardendale 35071

36 JEFFERSON
Hoyt W. Trammell ..... Rt. 15, Box 247, Birmingham 35224

37 JEFFERSON
Tom Leonard ..... 1725 Windsor Blvd., Homewood 35209

38 JEFFERSON
Ronald Edward Jackson ..... 1605 8th Ave., N., Frazier Bldg., Birmingham 35203

39 JEFFERSON
Rev. John T. Porter....1101 Montevallo Rd., S.W., Birmingham 35211

40 JEFFERSON
Jack Hopping, Sr.....2804 Ave. G., Birmingham 35218

41 JEFFERSON
Chris McNair.....P. O. Box 1851, Birmingham 35201

42 JEFFERSON
Hugh Boles.....1036 Normandale Circle, Hueytown 35020

43 JEFFERSON
Jerome Tucker.....Suite 1722, 2121 Bldg., 8th Ave., N., Birmingham 35203

44 JEFFERSON
A. L. (Tony) Harrison.....1214-4th Place No., Birmingham 35204

45 JEFFERSON
Earl F. Hilliard.....1605 Eighth Ave., North, Birmingham 35203

46 TUSCALOOSA
Jimmy Lee.....No. 2 Wood Manor, Tuscaloosa 35401

47 Tuscaloosa
Roy W. Johnson, Jr.....4501 20th St., N.E., Tuscaloosa 35401

48 TUSCALOOSA, BIBB
Walter Owens.....107 Court Sq., West, Centreville 35042

49 TUSCALOOSA, JEFFERSON
Asbury Howard.....1930 Exeter Ave., Bessemer 35020

50 JEFFERSON
Ralph (Buddy) Armstrong.....1821 3rd Ave., North, Bessemer 35020

**ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued**

51 JEFFERSON, SHELBY
James T. (Jabo) Waggoner, Jr. 1829 Mission Rd., Birmingham 35216

52 JEFFERSON, SHELBY, TALLADEGA
Sonny Moore P. O. Box 44, Sterrett 35147

53 CHILTON, SHELBY
Curtis Smith Rt. 3, Box 118, Clanton 35045

54 COOSA, TALLADEGA
Murray P. McCluskey Box 599, Sylacauga 35150

55 TALLADEGA
John A. Teague 708 Forest Hill Dr., Childersburg 35044

56 ST. CLAIR, CALHOUN
Marilyn Quarles P. O. Box 214, Springville 35146

57 CALHOUN
Thomas R. (Tom) Shelton P. O. Box 434, Jacksonville 36265

58 CALHOUN

59 CALHOUN
Hugh D. Merrill P. O. Box 1498, Anniston 36201

60 CLAY, CLEBURNE, TALLADEGA
Gerald O. Dial Box 275, Lineville 36266

61 RANDOLPH, CHAMBERS
Monroe Smith Rt. 1, Box 984, Lanett 36863

62 TALLAPOOSA, CHAMBERS
Larry Morris Madison St., Alexander City 35010

63 TALLAPOOSA, CHAMBERS, LEE
Pete Turnham P. O. Box 1592, Auburn 36830

64 CHAMBERS, LEE
G. J. (Dutch) Higginbotham P. O. Box 585, Opelika 36801

65 LEE, RUSSELL, BARBOUR
Charles W. Whatley Rt. 5, Box 250, Opelika 36801

66 RUSSELL
James A. Baker 4300 Summerville Road, Phenix City 36867

67 MACON, BULLOCK
Thomas Reed Drawer EE, Tuskegee Institute 36088

68 PIKE, COFFEE, BULLOCK, BARBOUR
Joel M. Folmar P. O. Box 325, Troy 36081

**ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued**

69 DALE, BARBOUR, HENRY
James G. Sasser.....1208 Skipperville Rd., Ozark 36360

70 HOUSTON, HENRY, BARBOUR
Buddy Crawford.....P. O. Box 129, Abbeville 36310

71 HOUSTON
Joe R. Carothers, Jr.....Rt. 8, Box 33, Dothan 36301

72 DALE
R. Nolan Williams.....Rt. 2, Newton 36352

73 GENEVA, COVINGTON, HOUSTON
Jack W. Smith.....P. O. Box 728, Dothan 36301

74 COVINGTON, COFFEE
Jimmy W. Holley.....Rt. 3, Box 191E, Elba 36323

75 COVINGTON
Frank Jackson.....P. O. Box 209, Opp 36467

76 ELMORE
Jack B. Venable.....P. O. Box 736, Tallassee 36078

77 MONTGOMERY
Rufus A. Lewis.....801 Bolivar St., Montgomery 36104

78 MONTGOMERY, CRENSHAW
Cecil L. Wyatt.....P. O. Box 1, Ramer 36069

79 MONTGOMERY
Bishop N. Barron.....P. O. Box 221, Montgomery 36101

80 MONTGOMERY
Alvin A. Holmes.....P. O. Box 6064, Montgomery 36106

81 MONTGOMERY
James D. Harris, Jr.....1406 Union Bank Bldg., Montgomery 36104

82 MONTGOMERY, AUTAUGA, LOWNDES, ELMORE
James J. Plaster.....Rt. 1, Box 193, Autaugaville 36003

83 WILCOX, LOWNDES, DALLAS
William D. Edwards.....Rt. 1, Box 180A, Ft. Deposit 36032

84 BUTLER, CRENSHAW
Eric O. Cates, Jr.....Rt. 2, Box 222, Greenville 36037

85 DALLAS, AUTAUGA
John A. Lockett, Jr.....P. O. Box 1354, Selma 36701

86 DALLAS, PERRY, MARENGO
R. Leigh Pegues.....202 Early St., Marion 36756

87 MARENGO, SUMTER, HALE, GREENE
Richard S. (Rick) Manley.....P. O. Drawer U, Demopolis 36732

**ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued**

88 GREENE, PICKENS, TUSCALOOSA, HALE
George N. Clark.....Box 6, Eutaw 35462

89 TUSCALOOSA, PICKENS
Edward (Big Ed) Robertson.....P. O. Box 331, Northport 35476

90 SUMTER, CHOCTAW
Frank Campbell.....P. O. Box 992, Livingston 35470

91 ESCAMBIA
L. Brooks Hines.....P. O. Box 345, Brewton 36426

92 CLARKE, MONROE
Joe C. McCorquodale, Jr.....P. O. Box 535, Jackson 36545

93 MONROE, CONECUH, ESCAMBIA
James E. (Jimmy) Warren.....P. O. Box 207, Castleberry 36432

94 BALDWIN
Daniel L. Kinsey.....P. O. Box 246, Foley 36535

95 BALDWIN, MOBILE
John M. McMillan, Jr.....P. O. Box 253, Stockton 36579

96 WASHINGTON, MOBILE
J. Henry McCulley.....P. O. Box 45, Wagerville 36585

97 MOBILE
Robert (Ken) Malone.....130 S. Hwy 43, Apt. 3, Saraland 36571

98 MOBILE
Cain J. Kennedy.....111 Lovejoy Loop, Suite 202, Prichard 36610

99 MOBILE
John L. LeFlore.....P. O. Box 1091, Mobile 36601

100 MOBILE
J. Thomas (Tommy) Sandusky.....P. O. Box 9118, Mobile 36609

101 MOBILE
H. L. (Sonny) Callahan.....P. O. Box 1208, Mobile 36601

102 MOBILE
Nat Sonnier.....2551 Old Shell Rd., Mobile 36607

103 MOBILE
Gary Cooper.....P. O. Box 25, Mobile 36601

104 MOBILE
Douglas I. Johnstone.....3100 Cottage Hill Road, Suite 311, Mobile 36606

105 MOBILE
Bob Glass.....P. O. Box 625, Theodore 36582

# LEGISLATIVE DAYS
# HOUSE OF REPRESENTATIVES
# FOURTH EXTRAORDINARY SESSION 1975

*Legislative Days—Calendar Days* *Page*

FIRST DAY—Monday, November 3, 1975 ..... 3

SECOND DAY—Tuesday, November 4, 1975 ..... 93

THIRD DAY—Wednesday, November 5, 1975 ..... 127

FOURTH DAY—Thursday, November 6, 1975 ..... 304

FIFTH DAY—Friday, November 7, 1975 ..... 342

SIXTH DAY—Monday, November 10, 1975 ..... 439

SEVENTH DAY—Thursday, November 13, 1975 ..... 504

EIGHTH DAY—Friday, November 14, 1975 ..... 626

NINTH DAY—Saturday, November 15, 1975 ..... 631

TENTH DAY—Sunday, November 16, 1975 ..... 631

ELEVENTH DAY—Monday, November 17, 1975 ..... 632

TWELFTH DAY—Tuesday, November 18, 1975 ..... 669

## HOUSE BILLS NUMERICALLY

## 1975 FOURTH EXTRAORDINARY SESSION

H. 1—p. 8, 101, 132
H. 2—p. 20, 112, 298, 672
H. 3—p. 20, 97
H. 4—p. 20, 116
H. 5—p. 20, 116
H. 6—p. 20, 116
H. 7—p. 20, 97
H. 8—p. 20, 119
H. 9—p. 21, 95, 168, 413, 441, 445, 539, 593, 597, 621, 626, 646, 668, 673, 685, 691
H. 10—p. 21, 107
H. 11—p. 21, 107
H. 12—p. 21, 101, 133, 344, 391, 438
H. 13—p. 21, 102, 133, 490, 506, 631
H. 14—p. 22, 102, 133, 490, 506, 625
H. 15—p. 22, 111, 452
H. 16—p. 22, 102, 134, 490, 506, 625
H. 17—p. 22, 113
H. 18—p. 22, 113
H. 19—p. 22
H. 20—p. 22, 102, 134, 344, 391, 438
H. 21—p. 23, 102, 135, 349, 395, 438
H. 22—p. 23, 111, 337, 585, 595, 625
H. 23—p. 23
H. 24—p. 23, 111
H. 25—p. 23
H. 26—p. 24
H. 27—p. 24
H. 28—p. 24, 113
H. 29—p. 24, 128
H. 30—p. 24, 115, 155, 349, 395, 438
H. 31—p. 25, 118, 300, 348, 394, 438
H. 32—p. 25, 102, 135, 348, 395, 438
H. 33—p. 26, 102, 136, 349, 395, 438
H. 34—p. 26
H. 35—p. 26
H. 36—p. 26
H. 37—p. 26, 117
H. 38—p. 26, 112
H. 39—p. 27, 102, 136
H. 40—p. 27, 111, 236
H. 41—p. 27, 111, 236, 448
H. 42—p. 27, 111, 464
H. 43—p. 27, 129, 317, 676, 686, 691
H. 44—p. 27
H. 45—p. 27, 111
H. 46—p. 28, 115, 150, 345, 393, 439
H. 47—p. 28, 111, 297, 489, 505, 625
H. 48—p. 28
H. 49—p. 28, 96, 300, 442, 447, 503
H. 50—p. 29
H. 51—p. 29
H. 52—p. 29, 120
H. 53—p. 29, 111, 165, 621, 627, 668
H. 54—p. 29, 110
H. 55—p. 29, 120
H. 56—p. 30

HOUSE BILLS NUMERICALLY (Continued)

H. 57—p. 30
H. 58—p. 30, 98
H. 59—p. 30
H. 60—p. 30, 113
H. 61—p. 30, 308
H. 62—p. 31, 98, 301, 463, 676, 686, 691
H. 63—p. 31, 120, 341, 514, 520, 625
H. 64—p. 31
H. 65—p. 31, 110, 351
H. 66—p. 31, 110
H. 67—p. 32, 115, 150
H. 68—p. 32, 119
H. 69—p. 32
H. 70—p. 32, 113, 444
H. 71—p. 32, 98
H. 72—p. 32, 115, 151
H. 73—p. 32, 107, 149, 348, 394, 438
H. 74—p. 33, 128
H. 75—p. 33
H. 76—p. 33, 114
H. 77—p. 33
H. 78—p. 33
H. 79—p. 33
H. 80—p. 34
H. 81—p. 34
H. 82—p. 34
H. 83—p. 34, 119
H. 84—p. 34, 128
H. 85—p. 34, 128
H. 86—p. 34, 97, 521
H. 87—p. 35, 98
H. 88—p. 35, 120, 485
H. 89—p. 35, 308
H. 90—p. 35, 96, 297, 499, 507, 625
H. 91—p. 36
H. 92—p. 36
H. 93—p. 36, 110, 351, 409
H. 94—p. 36
H. 95—p. 36, 96, 236, 295, 496, 506, 625
H. 96—p. 36, 98
H. 97—p. 37
H. 98—p. 37, 103, 137, 345, 392, 438
H. 99—p. 37, 109, 335, 586, 595, 625
H. 100—p. 37, 103, 137
H. 101—p. 37, 96, 294
H. 102—p. 38
H. 103—p. 38, 107, 301
H. 104—p. 38, 109, 455, 676, 686, 691
H. 105—p. 38, 309
H. 106—p. 38, 109, 524
H. 107—p. 38, 109
H. 108—p. 39, 99
H. 109—p. 39, 107
H. 110—p. 40, 108
H. 111—p. 41, 109
H. 112—p. 41, 106, 147
H. 113—p. 42, 106, 148
H. 114—p. 42, 106, 148
H. 115—p. 42, 119

HOUSE BILLS NUMERICALLY (Continued)

H. 116—p. 42, 106, 149
H. 117—p. 42, 118
H. 118—p. 43
H. 119—p. 43
H. 120—p. 43, 112, 337, 514, 520, 625
H. 121—p. 43, 120, 464, 671, 685, 691
H. 122—p. 43
H. 123—p. 43, 114
H. 124—p. 43
H. 125—p. 44
H. 126—p. 44
H. 127—p. 44
H. 128—p. 44, 118, 338, 514, 520, 625
H. 129—p. 44
H. 130—p. 44, 120, 160, 164
H. 131—p. 44, 115, 152
H. 132—p. 44, 103, 138, 344, 392, 438
H. 133—p. 45, 113, 162, 514, 520, 625
H. 134—p. 45, 308, 502
H. 135—p. 45, 103, 138, 349, 395, 438
H. 136—p. 45, 103, 139, 349, 395, 438
H. 137—p. 45, 308
H. 138—p. 45
H. 139—p. 46, 103, 139
H. 140—p. 46, 113
H. 141—p. 47
H. 142—p. 47
H. 143—p. 48, 115
H. 144—p. 48, 116
H. 145—p. 48, 116
H. 146—p. 48
H. 147—p. 48, 113
H. 148—p. 48, 120, 339
H. 149—p. 49
H. 150—p. 49, 103, 140
H. 151—p. 49, 118, 160, 441, 448, 503
H. 152—p. 49, 110
H. 153—p. 50, 104, 140, 345, 392, 438
H. 154—p. 50, 129, 318
H. 155—p. 50, 118, 236, 319, 463
H. 156—p. 50
H. 157—p. 50, 118
H. 158—p. 51, 313, 364
H. 159—p. 51, 128, 453
H. 160—p. 51, 104, 141, 508, 519, 625, 638
H. 161—p. 51, 99
H. 162—p. 51
H. 163—p. 51
H. 164—p. 52
H. 165—p. 52, 99
H. 166—p. 52
H. 167—p. 52, 104, 141, 154, 348, 394, 438
H. 168—p. 53, 114, 150, 302, 319, 328
H. 169—p. 54 100, 466, 467
H. 170—p. 54, 101, 466, 468
H. 171—p. 54, 115, 155, 346, 391, 438, 465, 510, 519, 625
H. 172—p. 55, 116, 155, 348, 394, 438
H. 173—p. 55, 113
H. 174—p. 55, 116

HOUSE BILLS NUMERICALLY (Continued)

H. 175—p. 55, 115
H. 176—p. 55, 114
H. 177—p. 55, 129, 318
H. 178—p. 56, 104, 141, 507, 519, 625
H. 179—p. 56, 104, 144, 166, 348, 394, 438
H. 180—p. 57, 118
H. 181—p. 57, 113
H. 182—p. 57, 104, 141, 490, 506, 625
H. 183—p. 58
H. 184—p. 58, 104, 142, 346, 393, 439
H. 185—p. 59, 110
H. 186—p. 59, 104, 143, 346, 393, 439
H. 187—p. 59, 104, 143, 346, 393, 439
H. 188—p. 59, 117, 163
H. 189—p. 59, 112
H. 190—p. 59, 118, 296, 300
H. 191—p. 60, 120
H. 192—p. 60, 105, 144, 145
H. 193—p. 60
H. 194—p. 60
H. 195—p. 62, 105, 144, 508, 520, 625, 637
H. 196—p. 62
H. 197—p. 66
H. 198—p. 66, 116, 157
H. 199—p. 68, 309
H. 200—p. 68, 129, 338
H. 201—p. 68, 105, 145, 344, 391, 438
H. 202—p. 68, 114, 330, 516, 538, 625
H. 203—p. 69, 105, 161, 345, 392, 438
H. 204—p. 69, 100, 452
H. 205—p. 69, 105, 161, 345, 392, 439
H. 206—p. 70, 101, 453
H. 207—p. 71, 105, 161, 345, 392, 439
H. 208—p. 71, 98, 236
H. 209—p. 71
H. 210—p. 71, 96, 301, 500, 506, 625
H. 211—p. 71, 119
H. 212—p. 71, 116, 159
H. 213—p. 71, 105, 145, 348, 394, 438
H. 214—p. 73, 95, 231, 493, 504, 517, 521, 529, 623, 624, 631
H. 215—p. 73, 128
H. 216—p. 74, 128
H. 217—p. 74, 105, 146, 508, 520, 625
H. 218—p. 75
H. 219—p. 76, 119, 301
H. 220—p. 76, 98, 466
H. 221—p. 76, 112
H. 222—p. 76, 117, 336, 508, 519, 625
H. 223—p. 76
H. 224—p. 76
H. 225—p. 76, 105, 146
H. 226—p. 77, 105, 147, 152, 345, 392, 438
H. 227—p. 78, 106, 147, 346, 393, 439
H. 228—p. 78, 117
H. 229—p. 78, 117
H. 230—p. 78, 118
H. 231—p. 78, 112
H. 232—p. 78
H. 233—p. 78, 112, 299

HOUSE BILLS NUMERICALLY (Continued)

H. 234—p. 79, 95, 226
H. 235—p. 79, 95, 229
H. 236—p. 79, 117
H. 237—p. 79, 117
H. 238—p. 80, 117, 351, 410
H. 239—p. 80, 112
H. 240—p. 80, 114, 162, 489, 505, 625
H. 241—p. 80, 129, 332, 508, 520, 625
H. 242—p. 80, 129, 333, 508, 519, 625
H. 243—p. 121
H. 244—p. 121, 306, 521
H. 245—p. 121
H. 246—p. 122, 308, 443, 671, 685, 691
H. 247—p. 122, 313
H. 248—p. 122, 306
H. 249—p. 122
H. 250—p. 122, 129, 318
H. 251—p. 122
H. 252—p. 123, 128
H. 253—p. 123, 127
H. 254—p. 123, 307
H. 255—p. 130
H. 256—p. 131
H. 257—p. 131, 310, 354
H. 258—p. 131
H. 259—p. 131
H. 260—p. 131, 310, 354
H. 261—p. 131
H. 262—p. 131, 312, 364
H. 263—p. 131
H. 264—p. 132
H. 265—p. 132
H. 266—p. 132, 350, 446
H. 267—p. 315
H. 268—p. 442

## RESOLUTIONS NUMERICALLY

## 1975 FOURTH EXTRAORDINARY SESSION

H. R. 1—p. 6
H. J. R. 2—p. 6
H. J. R. 3—p. 6
H. J. R. 4—p. 6
H. J. R. 5—p. 81, 334, 347, 437
H. R. 6—p. 81
H. J. R. 7—p. 81
H. J. R. 8—p. 82, 334, 347, 438
H. J. R. 9—p. 82, 334, 347, 438
H. J. R. 10—p. 83, 400, 446, 503
H. J. R. 11—p. 84, 334, 347, 438
H. J. R. 12—p. 85, 125, 327, 340, 437
H. J. R. 13—p. 86, 290, 340, 437
H. J. R. 14—p. 87, 125, 327, 340, 437
H. J. R. 15—p. 87, 125, 327, 340, 437
H. J. R. 16—p. 88, 125, 327, 340, 437
H. J. R. 17—p. 88, 125, 327, 340, 437
H. J. R. 18—p. 89, 94, 334, 347, 438

RESOLUTIONS NUMERICALLY (Continued)

H. J. R. 19—p. 90, 94, 334, 347, 438
H. J. R. 20—p. 91, 125, 327, 340, 437
H. J. R. 21—p. 91, 95
H. J. R. 22—p. 92
H. J. R. 23—p. 92, 95, 334, 347, 438
H. R. 24—p. 121, 126
H. R. 25—p. 123, 130
H. R. 26—p. 124, 130
H. J. R. 27—p. 124
H. J. R. 28—p. 130, 343, 390, 438
H. R. 29—p. 159
H. R. 30—p. 167
H. J. R. 31—p. 167, 334, 347, 438
H. R. 32—p. 168
H. R. 33—p. 291, 303
H. J. R. 34—p. 291
H. J. R. 35—p. 292
H. J. R. 36—p. 293, 327, 341, 437
H. J. R. 37—p. 293, 327, 340, 437
H. J. R. 38—p. 294, 334, 347, 438
H. R. 39—p. 304, 342
H. J. R. 40—p. 314, 343, 390, 438
H. J. R. 41—p. 315, 343, 390, 438
H. J. R. 42—p. 315, 344, 390, 438
H. J. R. 43—p. 316, 369, 436, 447, 503
H. J. R. 44—p. 317, 369, 436, 447, 503
H. J. R. 45—p. 332, 349
H. J. R. 46—p. 335, 344, 390, 438
H. R. 47—p. 350
H. J. R. 48—p. 351, 413, 446, 503
H. R. 49—p. 351
H. R. 50—p. 352
H. J. R. 51—p. 353, 413, 447, 503
H. R. 52—p. 353
H. J. R. 53—p. 407, 514
H. J. R. 54—p. 408
H. J. R. 55—p. 411
H. J. R. 56—p. 436, 510, 521, 625
H. R. 57—p. 437, 439
H. R. 58—p. 442
H. J. R. 59—p. 443, 489, 507, 625
H. J. R. 60—p. 485, 513, 521, 625
H. J. R. 61—p. 493
H. J. R. 62—p. 500, 509, 521, 625
H. J. R. 63—p. 501, 509, 521, 625
H. R. 64—p. 501
H. R. 65—p. 502
H. J. R. 66—p. 510
H. R. 67—p. 511
H. J. R. 68—p. 512
H. J. R. 69—p. 513, 527, 538, 625
H. J. R. 70—p. 524
H. R. 71—p. 525
H. J. R. 72—p. 525, 584, 596, 625
H. R. 73—p. 528
H. J. R. 74—p. 532, 538, 593, 625
H. R. 75—p. 532
H. J. R. 76—p. 533
H. R. 77—p. 533

RESOLUTIONS NUMERICALLY (Continued)

H. J. R. 78—p. 534
H. J. R. 79—p. 620
H. J. R. 80—p. 628
H. R. 81—p. 628, 631
H. J. R. 82—p. 629, 675, 687, 691
H. R. 83—p. 629
H. J. R. 84—p. 629
H. J. R. 85—p. 630, 675, 687, 691
H. J. R. 86—p. 633, 675, 687, 691
H. J. R. 87—p. 633, 675, 687, 691
H. R. 88—p. 636
H. J. R. 89—p. 636, 675, 687, 691
H. R. 90—p. 639
H. R. 91—p. 639
H. J. R. 91—p. 640
H. J. R. 92—p. 641, 675, 687, 691
H. R. 93—p. 642, 666
H. J. R. 94—p. 643, 675, 687, 691
H. J. R. 95—p. 643, 675, 687, 691
H. J. R. 96—p. 644, 676, 687, 691
H. J. R. 97—p. 645, 676, 688, 691
H. R. 98—p. 645
H. R. 99—p. 666
H. R. 100—p. 667
H. R. 101—p. 668
H. R. 102—p. 677
H. R. 103—p. 680
H. R. 104—p. 684
H. J. R. 105—p. 684
H. J. R. 106—p. 688

## INDEX TO

## 1975 FOURTH EXTRAORDINARY SESSION

ACTS AMENDED, GENERAL ACTS

1945 Acts, Act 35, Regular Session, relating to change of ownership of motor vehicles—
HB 236, pages 79, 117

1949 Acts, Act 207, Regular Session, Sections 1, 2, 3, 4, 5, 6, 13, 13½, 14, 15, 16, 18, 19, 20, 24, 25, 28, 29, 33, 35, 39, 41, 42, 44, 49, 50, 52, 55, 57, 62, 69, 72, 73, 74, 75, 76, 78, 79, 80, 81, 82, 83, 84, 85, 87, 89, 90, 92, 93, and 106, relating to the Alabama Coal Mine Safety Law of 1949—
HB 104, pages 38, 109, 455, 676, 686, 691

1949 Acts, Act 648, Regular Session, expanding the definition of a "project"—
HB 15, pages 22, 111, 452

1951 Acts, Act 180, Regular Session, Sections 7, 13, and 17, relating to workmens compensation—
SB 80, pages 255, 256, 305, 350, 369, 440, 461

1951 Acts, Act 712, Section 4, relating to tourist advertising—
HB 18, pages 22, 113
SB 37, pages 239, 310, 350, 409, 412, 489, 516

ACTS AMENDED, GENERAL ACTS (Continued)

1953 Acts, Act 22, Regular Session, relating to motor vehicles and traffic offenses—
HB 235, pages 79, 95, 229

1953 Acts, Act 202, Regular Session, Section 2, increasing the compensation and expense allowance of the Board of Corrections—
HB 256, page 131

1953 Acts, Act 238, Section 1, relating to livestock theft investigators—
HB 7, pages 20, 97

1957 Acts, Act 533, Regular Session, relating to the State Board of Registration for foresters—
HB 248, pages 122, 306

1959 Acts, Act 100, 2nd Special Session, Section 2, relating to the state sales tax—
HB 137, pages 45, 308

1959 Acts, Act 100, 2nd Special Session, Section 33, exempting LP gas used by agricultural producers from state sales tax—
HB 26, page 24

1959 Acts, Act 298, Regular Session, relating to the election of county superintendents of education—
HB 209, page 71

1959 Acts, Act 576, Regular Session, Sections 10, 14, and 16, relating to registration certificates for vessels operated on waters of this state—
HB 70, pages 32, 113, 444

1961 Acts, Act 663, Regular Session, Sections 1, 3, 5, 6, 6-a, 7, 8, 16, 18, 21, 23, 29, 31, 37, 39, 47 and 48, relating to elections in cities 300,000 or less—
HB 169, pages 54, 100, 466, 467
HB 170, pages 54, 101, 466, 468

1961 Acts, Act 865, Regular Session, Section 2, 3, 4, 7, 8, and 16, relating to unincorporated professional associations—
HB 229, pages 78, 117

1963 Acts, Act 90, Regular Session, relating to refunding, extending or renewing revenue bonds or notes—
HB 38, pages 26, 112

1963 Acts, Act 90, Regular Session, Section 4, relating to refunding, extending or renewing revenue bonds or notes—
HB 45, pages 27, 111
SB 96, pages 257, 258, 313, 350, 396, 460

1963 Acts, Act 485, Regular Session, relating to fees of solicitor in the Fifth Judicial Circuit—
HB 222, pages 76, 117, 336, 508, 519, 625

1963 Acts, Act 571, Regular Session, Section 1, relating to tax exemptions on poultry and poultry products packing materials—
HB 23, page 23

1965 Acts, Act 107, 1st Special Session, Section 5 and 6, relating to the board of directors of county water authorities—
HB 54, pages 29, 110

ACTS AMENDED, GENERAL ACTS (Continued)

1965 Acts, Act 549, Regular Session, Section 2-316, relating to the Alabama Uniform Commercial Code—
HB 155, pages 50, 118, 236, 319, 463

1965 Acts, Act 627, Regular Session, relating to the Elk River watershed area—
HB 183, page 58

1965 Acts, Act 751, Regular Session, relating to non-resident hunting licenses—
HB 71, pages 32, 98

1967 Acts, Act 132, Regular Session, Section 1, relating to circuit judges in certain judicial circuits—
HB 188, pages 59, 117, 163

1967 Acts, Act 521, Sections 6, 12, and 16, relating to workmen's compensation—
SB 80, pages 255, 256, 305, 350, 369, 440, 461

1967 Acts, Act 755, Regular Session, Sections 3, 4 and 5, relating to supernumerary tax collectors, tax assessors and license commissioners—
HB 243, page 121

1969 Acts, Act 281, Regular Session, Section 1, relating to safe pupil transportation—
HB 200, pages 68, 129, 338

1969 Acts, Act 470, Regular Session, Sections 1 and 3, relating to business expenses of state officers and employees—
HB 63, pages 31, 120, 341, 514, 520, 625
HB 193, page 60

1969 Acts, Act 471, Regular Session, Section 1, relating to state owned motor vehicles—
HB 47, pages 28, 111, 297, 489, 505, 625

1969 Acts, Act 568, Section 3, requiring livestock dealers to pay an annual license fee—
HB 3, pages 20, 97

1970 Acts, Act 29, Extraordinary Session, Sections 1 and 4 relating to public service districts—
HB 240, pages 80, 114, 162, 489, 505, 625

1971 Acts, Act 64, 1st Special Session, Section 5, relating to bond issue by Alabama State Dock Department for the Port of Mobile—
HB 110, pages 40, 108

1971 Acts, Act 106, Regular Session, Section 1, relating to the Alabama Exceptional Child Education Act—
HB 105, pages 38, 309

1971 Acts, Act 276, 3rd Special Session, Sections III, IV, VI, VII, XII and XIII, relating to Highway Beautification Act—outdoor advertising—
HB 101, pages 37, 96, 294

1971 Acts, Act 407, Sections 373 and 744, relating to insurance and the insurance business—
HB 86, pages 34, 97, 521

ACTS AMENDED, GENERAL ACTS (Continued)

1971 Acts, Act 668, Sections 6, 12 and 16, relating to workmen's compensation—
SB 80, pages 255, 256, 305, 350, 369, 440, 461

1971 Acts, Act 1515, Regular Session, Section 1, relating to state hunting licenses—
HB 50, page 29

1971 Acts, Act 1590, Regular Session, Section 6, relating to the licensing of ambulance drivers—
HB 202, pages 68, 114, 330, 516, 538, 625

1971 Acts, Act 1945, Regular Session, Section 3, so as to provide that in Cleburne County the county engineer need not be qualified as a land surveyor—
HB 135, pages 45, 103, 138, 349, 395, 438

1971 Acts, Act 2053, Regular Session, Section 3, relating to banking loans and credit sales—
HB 210, pages 71, 96, 301, 500, 506, 625

1971 Acts, Act 2293, Regular Session, Section 3, providing that the governor appoint the Credit Union Board of the Bureau of Credit Unions—
HB 247, pages 122, 313

1971 Acts, Act 2305, Regular Session, Sections 1, 2, 5, 6, and 9, levying a coal severance tax, statewide—
HB 111, pages 41, 109

1971 Acts, Professional Corporation Act, Section 21, relating to merged professional corporations—
HB 230, pages 78, 118

1973 Acts, Act 763, Regular Session, providing a subsistence allowance for law enforcement officers—
HB 69, page 32
HB 180, pages 57, 118
SB 35, page 240
SB 52, pages 239, 240
SB 100, pages 240, 308, 350, 408, 409, 462

1973 Acts, Act 765, Regular Session, Sections 5 and 19, relating to security interest documents in motor vehicles—
HB 237, pages 79, 117

1973 Acts, Act 811, Regular Session, relating to the Auctioneers License Act—
HB 24, pages 23, 111

1973 Acts, Act 1209, Regular Session, Section 1, relating to the State Board of Education—
HB 83, pages 34, 119

1973 Acts, Act 1274, Regular Session, Sections 2, 4, 5, and 7, relating to the Alabama Coastal Area Board—
HB 48, page 28
SB 60 pages 257, 258

1975 Acts, Act 130, Regular Session, Section 2, Sub-section (K), redefining public officials—
HB 42, pages 27, 111, 464

ACTS AMENDED, GENERAL ACTS (Continued)

1975 Acts, Act 183, 3rd Special Session, Sections 6, 15, 16, 17 and 18, relating to directors of hospital authorities—
HB 152, pages 49, 110
SB 81, pages 256, 257, 306, 350, 503, 515, 531

1975 Acts, Act 206, 3rd Special Session, relating to law enforcement officers—
HB 151, pages 49, 118, 160, 441, 448, 503

1975 Acts, Act 556, Regular Session, relating to service fees in probate offices—
SB 123, pages 237, 238, 308, 350, 522, 622, 670, 682, 689

1975 Acts, Act 863, Regular Session, Section 3, providing further for the Alabama Firefighters Personnel Standards and Education Commission—
HB 244, pages 121, 306, 521

1975 Acts, Act 1148, Regular Session, Section 17, relating to the practice and profession of optometry—
HB 107, pages 38, 109
SB 138, pages 257, 258, 309, 350, 404, 461, 534, 597

1975 Acts, Act 1159, Regular Session, creating an additional circuit judgeship in the Thirty-Eighth Judicial Circuit—
HB 31, pages 25, 118, 300, 348, 394, 438
SB 43, pages 244, 255, 314, 333, 368, 458

1975 Acts, Act 1180, Regular Session, relating to overtime pay for law enforcement officers—
HB 234, pages 79, 95, 226
SB 50, pages 238, 307, 350, 396, 460, 589, 597

1975 Acts, Act 1217, Regular Session, Section 3, relating to bond sales by the State Industrial Development Authority—
HB 251, page 122

1975 Acts, Act 1237, Regular Session, Section 1, disabled veterans, license tags, taxes on, exempt—
SB 34, pages 240, 307, 350, 407, 460

ACTS AMENDED, LOCAL ACTS

1945 Acts, Act 2, Regular Session, relating to funds received by counties 300,000 to 600,000 population—
HB 158, pages 51, 313, 364

1961 Acts, Act 478, Regular Session, Section 2, relating to museum boards in cities 100,000 to 200,000 population—
HB 73, pages 32, 107, 149, 348, 394, 438

1966 Acts, Act 79, Special Session, relating to fire prevention districts and garbage collection districts in Jefferson County—
HB 171, pages 54, 115, 155, 346, 391, 438, 465, 510, 519, 625

1967 Acts, Act 626, Organizational Special Regular Session, Section 1, relating to clerical assistance for certain Cherokee County offices—
HB 213, pages 71, 105, 144, 348, 394, 438
SB 12, pages 275, 290, 310, 355, 457

ACTS AMENDED, LOCAL ACTS (Continued)

1971 Acts, Act 1287, Regular Session, Sections 3 and 4, regulating the sale of alcoholic beverages in counties 115,000 to 150,000 population—
HB 192, pages 60, 105, 144, 145

1971 Acts, Act 1620, Regular Session, relating to county courts in the Eleventh Judicial Circuit—
HB 227, pages 78, 106, 147, 346, 393, 439

1971 Acts, Act 2220, Regular Session, Section 3, relating to taxes on alcoholic beverages in counties 95,000 to 115,000 population—
HB 12, pages 21, 101, 133, 344, 391, 438

1975 Acts, Act 313, Regular Session, Section 1, relating to deputy sheriffs in counties 39,500 to 41,750 population—
HB 186, pages 59, 104, 143, 346, 393, 439

1975 Acts, Act 314, Regular Session, Section 1, relating to rescue squads in counties 39,500 to 41,750 population—
HB 184, pages 58, 104, 142, 346, 393, 439

1975 Acts, Act 417, Regular Session, Section 1, relating to the liability of sheriffs for acts of their deputies in counties 39,500 to 41,750 population—
HB 187, pages 59, 104, 143, 346, 393, 439

1975 Acts, Act 425, Regular Session, Section 1, creating an industrial development authority for Calhoun County—
SB 1, pages 243, 255

1975 Acts, Act 812, Regular Session, Section 1, relating to counties 13,500 to 14,250 population—
HB 100, pages 37, 103, 137

ACTS REPEALED, GENERAL ACTS

1943 Acts, Act 542, Regular Session, providing for municipal vehicles testing stations—
HB 102, page 38

1955 Acts, Act 204, relating to the Fort Morgan Historical Commission—
HB 65, pages 31, 110, 351
HB 97, page 37

1957 Acts, Act 446, Regular Session, relating to the Solicitor of the Seventeenth Judicial Circuit—
HB 253, pages 123, 127

1965 Acts, Act 278, 1st Special Session, providing a scholarship program for medical education—
HB 115, pages 42, 119

1965 Acts, Act 546, Regular Session, relating to resident hunting licenses—
HB 50, page 29

1965 Acts, Act 793, Regular Session, relating to dentistry—
HB 68, pages 32, 119

1969 Acts, Act 38, Special Session, relating to the election of county superintendents of education—
HB 209, page 71

ACTS REPEALED, GENERAL ACTS (Continued)

1971 Acts, Act 1198, Regular Session, relating to compensation for total disability and death due to pneumoconiosis—
HB 57, page 30

1973 Acts, Act 1056, Regular Session, Relating to the State Ethics Commission—
HB 233, pages 78, 112, 299

ACTS REPEALED, LOCAL ACTS

1967 Acts, Act 197, Special Session, relating to Cherokee County—
HB 213, pages 71, 105, 145, 348, 394, 438

1967 Acts, Act 540, Regular Session, relating to education in Etowah County—
HB 198, pages 66, 116, 157

1971 Acts, Act 51, Regular Session, relating to the superintendent of education in counties 16,350 to 16,650 population—
HB 132, pages 44, 103, 138, 344, 392, 438

1973 Acts, Act 646, Regular Session, relating to the sale of alcoholic beverages in counties 90,000 to 100,000 population—
SB 141, pages 583, 584, 627, 634, 672, 677

1973 Acts, Act 996, Regular Session, relating to the sale of alcoholic beverages in counties 90,000 to 100,000 population—
SB 143, pages 584, 627, 635, 671, 677

1975 Acts, Act 604, Regular Session, relating to placing officers on salaries in counties 10,660 to 10,900 population—
HB 203, pages 69, 105, 161, 345, 392, 438

1975 Acts, Act 933, Regular Session, creating a county-wide civil service system in Mobile County—
HB 112, pages 41, 106, 147

1975 Acts, Act 1167, Regular Session, providing supernumerary-retired probate judges in counties 300,000 to 600,000 population—
HB 116, pages 42, 106, 149

ADJOURNMENT

HR 6, page 81
HR 24, pages 121, 126
HR 33, pages 291, 303
HR 39, pages 304, 342
HJR 56, pages 436, 510, 521, 625
HJR 57, pages 437, 439
HR 81, pages 628, 631

Day to day of both houses, provided for—
SJR 2, page 86

Sine Die—
HJR 105, page 684

ADVERTISING

State-owned parks, intrastate, of, permitted—
HB 18, pages 22, 113
SB 37, pages 239, 310, 350, 409, 412, 489, 516

ADVERTISING (Continued)

Counties 600,000 or more population, business of, taxes, levied on—
HB 175, pages 55, 115

AGED ADULTS

Abuse, neglect or exploitation of, prohibited—
HB 93, pages 36, 110, 351, 409

AGRICULTURAL PRODUCERS

LP gas, used by, state sales tax, exempt from—
HB 26, page 24

AGRICULTURE

Livestock, buying or selling of, after sunset or before sunrise, unlawful—
HB 4, pages 20, 116

Counties 50,000 to 52,500 population, prisoner rehabilitation program dealing with, established—
HB 20, pages 22, 102, 134, 344, 391, 438

AGRICULTURE AND INDUSTRIES

Commissioner of, weighmasters, to pay annual permit fee, to—
HB 6, pages 20, 116

Department of, cattle theft invesigators, to be known as, livestock theft investigators—
HB 7, pages 20, 97

Department of, fireants, appropriation for the eradication of, provided—
HB 8, pages 20, 119
SB 42, pages 239, 307, 350, 408, 462

AID TO DEPENDENT CHILDREN PROGRAM

Regulated further—
HB 238, pages 80, 117, 351, 410

ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD

Legislative Act, requested to cease efforts to circumvent—
HJR 45, pages 332, 349

ALABAMA BOARD OF EXAMINERS FOR SPEECH PATHOLOGY AND AUDIOLOGY

Established—
HB 76, pages 33, 114
SB 102, pages 237, 309, 350, 399, 461

ALABAMA COAL MINE SAFETY LAW OF 1949

Health and safety of miners, provided for—
HB 104, pages 38, 109, 455, 676, 686, 691

ALABAMA COASTAL AREA BOARD

Established—
HB 48, page 28
SB 60, pages 257, 258

ALABAMA CODE REVISION COMMITTEE

Appropriation, provided—
HB 10, pages 21, 107
SB 106, pages 257, 258, 307, 350, 406, 461

ALABAMA CONGRESSIONAL DELEGATION

Alabama's Pilot Prisoner Release Program, urged to gain federal participation in—
HJR 11, pages 84, 334, 347, 438

Financial aid to New York City, urged to vote against—
HJR 7, page 81

ALABAMA COUNCIL FOR SCHOOL ADMINISTRATION AND SUPERVISION

Teacher's Retirement System, allowed to become members of—
HB 216, pages 74, 128

ALABAMA COUNCIL ON HISTORIC PILGRIMAGES

Established—
SJR 11, pages 403, 456

ALABAMA DEEP SEA FISHING RODEO

The official, named—
HJR 8, pages 82, 334, 347, 438

ALABAMA ELECTED OFFICIALS RETIREMENT FUND

Created and provided for—
SB 47, pages 237, 308, 351, 486, 488, 490, 670, 678, 689

ALABAMA EXCEPTIONAL CHILD EDUCATION ACT

Profoundly retarded child, included under—
HB 105, pages 38, 309

ALABAMA FIREFIGHTERS PERSONNEL STANDARDS AND EDUCATION COMMISSION

Provide further for—
HB 244, pages 121, 306, 521

ALABAMA FORESTRY COMMISSION

Appropriation, provided—
HB 103, pages 38, 107, 301

ALABAMA HISTORICAL COMMISSION

State capitol, to be responsible for—
HB 185, pages 59, 110

ALABAMA POST SECONDARY 1202 COMMISSION

Appropriation, provided—
HB 59, page 30

ALABAMA STATE DOCKS DEPARTMENT

Bonds, Port of Mobile, to sell and issue for, authorized—
HB 109, pages 39, 107
HB 110, pages 40, 108

Coal severance tax, rate raised, to pay off bonds issued by—
HB 111, pages 41, 109

ALABAMA STATE EMPLOYEES' ASSOCIATION

Deductions, provided for, for employees who authorize—
HB 231, pages 78, 112

Employees retirement system, fulltime employees of, to participate in—
HB 27, page 24

ALABAMA STATE UNIVERSITY

Appropriation, provided—
HB 134, pages 45, 308, 502

ALABAMA UNIFORM ANATOMICAL GIFT ACT

Licensees, to comply with—
HB 123, pages 43, 114

ALABAMA UNIFORM COMMERCIAL CODE

Amended—
HB 155, pages 50, 118, 236, 319, 463

ALCOHOLIC BEVERAGES

Etowah County, malt or brewed, tax levied on—
SB 31, pages 244, 255, 311, 358, 436, 460

Liquor, half pints and miniatures, to be sold in—
HB 40, pages 27, 111, 236

Wine, heads of households, allowed to make at home—
HB 145, pages 48, 116

Cities 12,350 to 12,370 population, liquor stores, location of, provided for—
HB 39, pages 27, 102, 136

Counties 10,660 or less population, draft or keg beer, sale of, permitted—
HB 139, pages 46, 103, 139

Counties 34,875 to 36,000 population, places selling, closing hours determined—
HB 179, pages 56, 104, 144, 166, 348, 394, 438

Counties 90,000 to 100,000 population, malt or brewed, tax on, levied—
SB 141, pages 583, 584, 627, 634, 672, 677
SB 143, pages 584, 627, 635, 671, 677

Counties 95,000 to 115,000 population, tax, imposed on—
HB 12, pages 21, 101, 133, 344, 391, 438

Counties 115,000 to 150,000 population, sale of, regulated—
HB 192, pages 60, 105, 144, 145

AMBULANCE SERVICE

Businesses which provide free, exempt from Act 1590 of the 1971 Regular Session—
HB 202, pages 68, 114, 330, 516, 538, 625

ANATOMICAL GIFTS

Donor eyes, morticians, undertakers, embalmers and funeral directors, authorized to enucleate—
HB 123, pages 43, 114

ANNUAL SESSIONS

Legislature, of, date of, established—
HB 239, pages 80, 112

APPROPRIATIONS

Alabama Code Revision Committee, provided—
HB 10, pages 21, 107
SB 106, pages 257, 258, 307, 350, 406, 461

Alabama Forestry Commission, provided—
HB 103, pages 38, 107, 301

Alabama Postsecondary 1202 Commission, provided—
HB 59, page 30

Alabama State University, provided—
HB 134, pages 45, 308, 502

Auburn University, provided—
HB 82, page 34

Bullock County, for burned school, provided—
HB 263, page 131

Chattahoochee Valley Community College, provided—
HB 51, page 29

Education, public, provided—
HB 9, pages 21, 95, 168, 413, 441, 445, 539, 593, 597, 621, 626, 646, 668, 673, 685, 691

Escambia County, provided for costs incurred in trial of state inmates—
HB 191, pages 60, 120
SB 51, pages 239, 308, 350, 398, 460

Fire ants, for eradication of, provided—
HB 8, pages 20, 119
SB 42, pages 239, 307, 350, 408, 462

Legislative Reference Service—
HB 11, pages 21, 107
SB 39, pages 237, 307, 350, 406, 460

Lowndes County Board of Education, provided—
HB 223, page 76
HB 232, page 78

Macon County, for burned school, provided—
HB 264, page 132

Perry County Board of Education, provided—
HB 44, page 27

Social Security Contribution Fund, state agency for social security, provided, from—
HB 254, pages 123, 307

St. Clair Historical Society, provided—
HB 259, page 131

ATHLETICS

Sports organizations, certain, taxes, exempt from—
HB 156, page 50

ATKINS, LEAH RAWLS

Congratulated—
HJR 94, pages 643, 675, 687, 691

AUBURN SOJOURNS

Captains of, commended—
HR 52, page 353

AUBURN UNIVERSITY

Appropriation, provided—
HB 82, page 34

AUCTIONEERS

Certain property, exempt from selling—
HB 24, pages 23, 111

AUCTIONEERS LICENSING ACT

Amended—
HB 24, pages 23, 111

AUDIOLOGISTS

Licensing of, provided—
HB 76, pages 33, 114
SB 102, pages 237, 309, 350, 399, 461

AUTAUGA ACADEMY FOOTBALL TEAM

Congratulated—
HJR 87, pages 633, 675, 687, 691

AUTOMOTIVE PARTS

Traded in on new or rebuilt parts, sales tax on, provided for—
HB 137, pages 45, 308

BAILIFFS

Counties 22,575 to 23,800 population, for circuit and county court, appointed—
HB 201, pages 68, 105, 145, 344, 391, 438

Counties 27,900 to 33,500 population, compensation, provided for—
HB 257, pages 131, 310, 354

BANKS AND BANKING

Loans and credit sales, maximum finance charges for, provided—
HB 210, pages 71, 96, 301, 500, 506, 625

BARBER, BERTHA MAE

Counties 35,000 to 38,000 population, relief of, provided for—
HB 241, pages 80, 129, 332, 508, 520, 625
SB 14, pages 244, 255, 310, 356, 457

BARBER COMMISSIONS

Counties 90,000 to 100,000 population, inoperative—
HB 195, pages 62, 105, 144, 508, 520, 625, 637
SB 136, pages 241, 255, 312, 362, 459

BARBOUR COUNTY

Blue Springs, town of, boundaries altered—
HB 217, pages 74, 105, 146, 508, 520, 625

Eufaula, bounudaries altered—
HB 182, pages 57, 104, 141, 490, 506, 625

BARRON, MRS FLORENCE "Tiny"

Congratulated—
HJR 82, pages 629, 675, 687, 691

BARRON, REPRESENTATIVE BISHOP

Thanked—
HJR 62, pages 500, 509, 521, 625

BEASLEY, MISS JACKIE

Congratulated—
HJR 42, pages 315, 344, 390, 438

BECK, DEPUTY SHERIFF DAVID B.

Death mourned—
HR 100, page 667

BEER

Etowah County, tax levied on—
SB 31, pages 244, 255, 311, 358, 436, 460

Counties 10,660 or less population, draft or keg, sale of, allowed—
HB 139, pages 46, 103, 139

Counties 90,000 to 100,000 population, tax on, levied—
SB 141, pages 583, 584, 627, 634, 672, 677
SB 143, pages 584, 627, 635, 671, 677

BESSEMER DIVISION OF THE JEFFERSON COUNTY COURT HOUSE

Office of Driver's License Examination, continued operation of, requested—
HJR 31, pages 167, 334, 347, 438

BIG BROTHER, INC.

Taxes, sales and use, exempt from—
HB 267, page 315

BIRMINGHAM VULCANS

Entry into National Football League, recommended—
HJR 9, pages 82, 334, 347, 438

BLACK-LUNG DISEASE

Total disability and death due to, compensation for, provided—
HB 57, page 30

BLOOD

Collection, sale, labeling, and use of, regulated—
HB 176, pages 55, 114

BLUE SPRINGS

Town of, boundaies altered—
HB 217, pages 74, 105, 146, 508, 520, 625

BOARD OF CORRECTIONS

Compensation and expense allowance, increased—
HB 256, page 131

Felonies, persons convicted of, temporary release of, to find employment and place to live after release—
HB 189, pages 59, 112

State Highway Department, real estate, buildings and fixtures, used in prisoner road and highway work, transferred to—
HB 19, page 22

BOARDS OF EDUCATION

Grievance procedure with employees, to develop—
HB 224, page 76

Local, school principals, to operate under policies determined by—
HB 159, pages 51, 128, 453

Lowndes County, appropriation provided—
HB 223, page 76
HB 232, page 78

Perry County, appropriation, provided—
HB 44, page 27

State, educators serving as members of, prohibition of, deleted—
HB 249, page 122

State, expense allowance, raised—
HB 83, pages 34, 119

State, interstate agreement on qualification of educational personnel, to enter into—
HB 74, pages 33, 128

State, out-of-state travel, employees under, for, provided for—
HB 215, pages 73, 128

Cities 22,000 to 25,000 population, recreation and park programs, to assume responsibility for—
HB 77, page 33
SB 22, pages 258, 289

Counties 18,500 to 20,500 population, election of, provided for—
SB 9, pages 243, 255, 310, 355, 457

Counties 60,000 to 65,000 population, expense allowance, provided—
HB 78, page 33

BOARD OF PARDONS AND PAROLES

Prisoner-release program, urged to implement—
HR 91, page 639
HJR 91, page 640

BOARD OF REVENUE

Jackson County, chairman of, expense allowance, provided—
HB 30, pages 24, 115, 155, 349, 395, 438

BOAT REGISTRATION CERTIFICATES

Cost of, increased—
HB 70, pages 32, 113, 444

BOATS AND BOATING

Registration certificates, costs of, increased—
HB 70, pages 32, 113, 444

BOLT, JACK

Commended—
HR 52, page 353

BONDS

Industrial revenue, notification procedure for the issuance of, required—
HB 108, pages 39, 99

Port of Mobile, Alabama State Docks Department, to sell and issue, authorized—
HB 109, pages 39, 107
HB 110, pages 40, 108

State Industrial Development Authority, issuance and sale of, by provided for—
HB 251, page 122

BOXING

Sundays, on, allowed—
HB 28, pages 24, 113

BOXING AND WRESTLING COMMISSION

Sunday, matches on, to allow—
HB 28, pages 24, 113

BRINDLEY MOUNTAIN PARKWAY AND BRINDLEY MOUNTAIN

Spelling of, corrected to—
HJR 23, pages 92, 95, 334, 347, 438

BRONNER, DR. DAVID G.

Funds in retirement system, to report on—
HR 75, page 532

BULLOCK COUNTY

Appropriation for burned school, provided—
HB 263, page 131

BUREAU OF PUBLICITY AND INFORMATION

State-owned parks, intrastate advertising of, purchase of, permitted—
HB 18, pages 22, 113

BUSINESSES

Headquarters or chief executive office, "project", definition of, to include—
HB 15, pages 22, 111, 452

CAHABA RIVER COMMISSION

Created—
HJR 18, pages 89, 94, 334, 347, 438

CALHOUN COUNTY

Industrial Development Authority, created—
SB 1, pages 243, 255

CAROTHERS, REPRESENTATIVE JOE R., JR.

Speedy recovery, wished—
HR 90, page 639

CATTLE

Buying or selling of, after sunset or before sunrise, unlawful—
HB 4, pages 20, 116

CATTLE THEFT INVESTIGATORS

Livestock theft investigators, designated as—
HB 7, pages 20, 97

CHANDLER, JENNIE

Congratulated—
HJR 41, pages 315, 343, 390, 438

CHATTAHOOCHEE VALLEY COMMUNITY COLLEGE

Appropriation, provided—
HB 51, page 29

Buildings, named—
HB 53, pages 29, 111, 165, 621, 627, 668

CHEROKEE COUNTY

Deputy Solicitor, clerical assistance, provided—
HB 213, pages 71, 105, 145, 348, 394, 438
SB 12, pages 275, 290, 310, 355, 457

Fines, distribution of, provided for—
HB 225, pages 76, 105, 146

CHILTON COUNTY RESCUE SQUAD

Sales and use taxes, exempt—
HB 121, pages 43, 120, 464, 671, 685, 691

CIGARETTES

Counties 600,000 or more population, additional license tax on, levied—
HB 168, pages 53, 114, 150, 302, 319, 328
HB 261, page 131

Counties 600,000 or more population additional taxes, levied on—
HB 146, page 48

CIRCUIT CLERKS

Counties 34,100 to 34,900 population, employees of, compensation, regulated—
HB 14, pages 22, 102, 133, 490, 506, 625

Counties 34,100 to 34,900 population, salary, placed on—
HB 16, pages 22, 102, 134, 490, 506, 625

Counties 57,000 to 61,000 population, compensation and expenses of, provided for—
HB 160, pages 51, 104, 141, 508, 519, 625, 638
SB 76, pages 243, 255, 312, 361, 459

Counties 600,000 or more population, supplemental salaries, fixed—
HB 131, pages 44, 115, 152

CIRCUIT COURT

Thirty-seventh judicial circuit, to be held anywhere in county—
HB 163, page 51
SB 18, pages 258, 289, 310

Counties 22,575 to 23,800 population, bailiff, appointed—
HB 201, pages 68, 105, 145, 344, 391, 438

CIRCUIT COURT JUDGE

Thirteenth Judicial Circuit, additional, provided for—
HB 130, pages 44, 120, 160, 164

CIRCUIT COURT REGISTER

Counties 57,000 to 61,000 population, compensation and expenses of, provided for—
HB 160, pages 51, 104, 141, 508, 519, 625, 638
SB 76, pages 243, 255, 312, 361, 459

CIRCUIT JUDGES

County salary supplement, provided for—
SB 97, pages 240, 400

Judicial Circuits of one county 7 to 12, expense allowance, provided—
HB 188, pages 59, 117, 163

Thirty-seventh Judicial Circuit, supernumerary salaries, supplemented—
HB 164, page 52

CIRCUIT JUDGES ASSOCIATION

President of, three Circuit Judge Panel to review felony sentences, appointed by—
HB 157, pages 50, 118

CITIES

Blue Springs, boundaries altered—
HB 217, pages 74, 105, 146, 508, 520, 625

Eufaula, boundaries altered—
HB 182, pages 57, 104, 141, 490, 506, 625

Gadsden, Civil Service Board for, created—
SB 2, pages 277, 290

CITIES (Continued)

Gadsden, Policemen's and Firemen's Retirement Fund, Board of Trustees, created—
HB 1, pages 8, 101, 132
SB 32, pages 259, 289, 311, 359, 458

Huntsville, Home Rule Charter, provided—
SB 64, pages 252, 255

Loachapoka, privilege license or excise taxes, special, levied—
HB 81, page 34

Operating under the optional form of commission government, commissioners salaries, provided for—
HB 204, pages 69, 100, 452

CITIES 9,400 TO 9,900 POPULATION

Law enforcement officers, service to state, recognized by increased allowances—
HB 151, pages 49, 118, 160, 441, 448, 503

CITIES 9,500 TO 10,000 POPULATION

Civil Service Board, provided for—
HB 266, pages 132, 350, 446

CITIES 12,350 TO 12,370 POPULATION

Liquor stores, location of, provided for—
HB 39, pages 27, 102, 136

CITIES 22,000 TO 25,000 POPULATION

Board of Education, park and recreation programs, to assume responsibility for—
HB 77, page 33
SB 22, pages 258, 289

Mayor and governing body, election of, provided for—
SB 11, pages 259, 289

CITIES 22,000 TO 25,000 POPULATION

Mayor, election of, provided for—
HB 56, page 30

Parking authority, established—
HB 75, page 33
SB 13, pages 259, 289

CITIES 60,000 TO 70,000 POPULATION

Special police officer, to employ—
HB 153, pages 50, 104, 140, 345, 392, 438

CITIES 60,000 TO 130,000 POPULATION

Law enforcement officers service to state, recognized by increased allowances—
HB 151, pages 49, 118, 160, 441, 448, 503

CITIES 250,000 OR MORE POPULATION

Boards, agencies or employees of such city, Chapter 5, Title 26 of Code of Alabama 1940, not applicable to—
HB 46, pages 28, 115, 150, 345, 393, 439
SB 26, pages 289, 290, 314, 368, 458

CITIES 300,000 OR LESS POPULATION

Elections, regulated and provided for—
HB 169, pages 54, 100, 466, 467
HB 170, pages 54, 101, 466, 468

CITIZENS' STUDY COMMITTEE

Baldwin County, roads and bridges, to study, created—
HJR 38, pages 294, 334, 347, 438

CITY COMMISSIONERS

Cities operating under the optional form of commission government, salaries, provided for—
HB 204, pages 69, 100, 452

CIVIL RIGHTS

Criminals, after execution of sentence, restored—
HB 252, pages 123, 128

CIVIL RIGHTS MOVEMENT

Organizations, welcomed—
HJR 70, page 524
HR 77, page 533
SJR 34, page 537

CIVIL SERVICE BOARD

Gadsden, for, created—
SB 2, pages 277, 290

Cities 9,500 to 10,000 population, provided for—
HB 266, pages 132, 350, 446

CLEBURNE COUNTY

County Engineer, need not be qualified as a land surveyor—
HB 135, pages 45, 103, 138, 349, 395, 438

CLERICAL ASSISTANCE

Cherokee County, Deputy Solicitor, provided—
HB 213, pages 71, 105, 145, 348, 394, 438
SB 12, pages 275, 290, 310, 355, 457

Counties 65,000 to 68,000 population, certain agencies, provided—
HB 207, pages 71, 105, 161, 345, 392, 439

CLERK OF THE HOUSE OF REPRESENTATIVES

Telephone service, to improve—
HR 73, page 528

COAL

Severance tax, statewide, leved—
HB 111, pages 41, 109

Counties 41,500 to 45,000 population, State Department of Revenue, severance taxes on, to collect—
HB 32, pages 25, 102, 135, 348, 395, 438
SB 46, pages 289, 290, 311, 360, 459

COAL MINERS

Health and safety of, provided for—
HB 104, pages 38, 109, 455, 676, 686, 691

Underground, pneumoconiosis, total disability and death due to, compensation for, provided—
HB 57, page 30

COAL SEVERANCE TAX

Rate of, increased to pay off, Alabama State Docks Department bond issue—
HB 111, pages 41, 109

COASTAL AREAS

Preservation, enhancement and development of, provided for—
HB 48, page 28
SB 60, pages 257, 258

CODE OF ALABAMA 1940, AMENDED

Title 2, Section 630, relating to the permit fee for weight masters—
HB 6, pages 20, 116

Title 8, Section 39, 40 and 41, relating to the cost of non-resident fishing licenses—
HB 96, pages 36, 98

Title 8, Sections 100 and 101, relating to resident and non-resident fur dealers—
HB 144, pages 48, 116

Title 15, Section 325, relating to place of confinement of criminals sentenced to 3 years or less—
HB 221, pages 76, 112
SB 84, pages 238, 309, 350, 397, 460

CODE OF ALABAMA 1940, AMENDED

Title 22, Sections 40 and 42, relating to vital statistics—
HB 128, pages 44, 118, 338, 514, 520, 625

Title 26, Chapter 5, inapplicable to cities 250,000 or more population—
HB 46, pages 28, 115, 150, 345, 393, 439
SB 26, pages 289, 290, 314, 368, 458

Title 26, Chapter 5, Sections 259, 262 (d), 263, 272, 279, 283, 289, 293, 299, 312, relating to coverage under the Workmen's Compensation Laws—
SB 80, pages 255, 256, 305, 350, 369, 440, 461

Title 29, Section 73, exempting cities 12,350 to 12,370 population—
HB 39, pages 27, 102, 136

Title 30, Section 3, providing exemptions from jury duty—
HB 91, page 36

Title 30, Sections 5 and 38, relating to the excusing of persons from jury duty—
HB 92, page 36

Title 36, Sections 2, 3, 24, 30, 69, and 70, relating to traffic offenses—
HB 235, pages 79, 95, 229

CODE OF ALABAMA 1940, AMENDED (Continued)

Title 37, Section 10, relating to the incorporation of unincorporated municipalities—
HB 220, pages 76, 98, 466

Title 37, Section 73, relating to municipalities with the commission form of government—
HB 206, pages 70, 101, 453

Title 37, Section 105, relating to cities operating under the optional form of commission government—
HB 204, pages 69, 100, 452

Title 37, Section 440, relating to the mayor's salary in municipalities with mayor-council form of government—
HB 62, pages 31, 98, 301, 463, 676, 686, 691

Title 45, Section 144, providing a daily prisoner meal allowance—
HB 88, pages 35, 120, 485

Title 51, Section 613, relating to the licensing of vending machines—
HB 122, page 43

Title 51, Sections 706 and 709, relating to motor vehicle change of ownership—
HB 236, pages 79, 117

Title 52, Section 8, deleting the prohibition of educators serving as members of State Board of Education—
HB 249, page 122

Title 52, Section 100, changing the name of Local School Trustees to Local School Advisory Committee—
HB 29, pages 24, 128

Title 52, Section 158, relating to Boards of Education—
HB 199, pages 68, 309

Title 52, Section 362, relating to average final compensation in the Teachers' Retirement System—
HB 36, page 26

Title 55, Section 346, relating to boxing, sparing or wrestling matches on Sunday—
HB 28, pages 24, 113

Title 55, Section 488 (2), employees under State Board of Education, out-of-state travel, provided for—
HB 215, pages 73, 128

Title 55, Sections 494, 495, 499, 502, providing for competitive bidding on public contracts—
HB 41, pages 27, 111, 236, 448

CODE OF ALABAMA 1940, REPEALED

Title 2, Article 27, Chapter 1, regulating the sale of paint—
HB 5, pages 20, 116

Title 2, Section 387, relating to the buying or selling of livestock after sunset or before sunrise—
HB 4, pages 20, 116

CODE OF ALABAMA 1940, REPEALED (Continued)

Title 52, Sections 138, 139, 140, 141, 143, 144, 145, 146, and 147, providing further for the selection of Local School Advisory Committees—
HB 29, pages 24, 128

COE, LAMAR

Commended—
HR 52, page 353

COFFEE COUNTY

Officers, fees, commissions, percentages, allowances and compensation, regulated—
HB 13, pages 21, 102, 133, 490, 506, 631

COLLEGES AND UNIVERSITIES

Alabama State University, appropriation, provided—
HB 134, pages 45, 308, 502

Auburn University, appropriation, provided—
HB 82, page 34

Chatahoochee Valley Community College, appropriation, provided—
HB 51, page 29

Chattahoochee Valley Community College, buildings named—
HB 53, pages 29, 111, 165, 621, 627, 668

Gadsden State Junior College, buildings named—
HB 2, pages 20, 112, 298, 672

Jefferson State Junior College, Dr. Thurston L. Faulkner, Dr. Harold C. Martin, and Dr. George L. Layton, buildings named—
HB 173, pages 55, 113

Sixty-five year olds, library privileges, extended to—
HB 61, pages 30, 308

University of Alabama in Birmingham, George C. Wallace, building, named—
HB 66, pages 31, 110

University of Alabama in Birmingham, nurses, scholarship program to promote education of, provided—
HB 89, pages 35, 308

University of Montevallo, George C. Wallace Speech and Hearing Center, named—
HB 120, pages 43, 112, 337, 514, 520, 625

Walker State Technical College, Robert T. Wilson Mine Technology building, named—
HB 106, pages 38, 109, 524

COMMITTEE APPOINTMENTS
page 690

COMMITTEE TO STUDY I. R. S. REGULATIONS

Appointed by Speaker—
HR 29, page 159

COMPETITIVE BIDDING

Public contracts, on, provided—
HB 41, pages 27, 111, 236, 448

CONJUGAL VISITS

Holman Prison, Fountain Correctional Institution, Julia T. Tutwiler Prison, Mt. Meigs Correctional Facility, Draper Prison, and Frank Lee Youth Center, provided for—
HB 64, page 31

CONSERVATION

Department of, maintenance within parks system, to perform with own labor force—
HB 181, pages 57, 113

Exotic or non-native game, when hunted in state, one day license, provided for—
HB 147, pages 48, 113

Fishing licenses, non-resident, cost of, increased—
HB 96, pages 36, 98

Fish, Tennessee River, taking of by certain nets, prohibited—
HB 118, page 43

Hunting licenses, non-resident, costs, relating to—
HB 71, pages 32, 98

Wild Turkey, official State Game Bird, designated—
HB 60, pages 30, 113

Counties 45,500 to 52,000 population, racoons and opossums, nightime hunting of, authorized—
HB 98, pages 37, 103, 137, 345, 392, 438

CONSERVATION AND NATURAL RESOURCES

Department of, division of state parks, Fort Morgan Historical Site, Transferred to—
HB 65, pages 31, 110, 351
HB 97, page 37

Department of, division of state parks, monuments and historical sites, skilled persons in resort facilities, to hire—
HB 17, pages 22, 113

CONSTABLES

Counties 600,000 or more population, election of, provided for—
HB 72, pages 32, 115, 151

CONSTITUTIONAL AMENDMENTS

Election day, fixed—
HJR 72, pages 525, 584, 596, 625

CONSTITUTION OF ALABAMA 1901, AMENDED

Coffee County, officers, fees, commissions, percentages, allowances and compensation, regulated—
HB 13, pages 21, 102, 133, 490, 506, 631

Criminals, after execution of sentence, civil rights restored—
HB 252, pages 123, 128

CONSTITUTION OF ALABAMA 1901, AMENDED (Continued)

Lee County, additional property taxes, levied—
HB 142, page 47

Legislature, elected officials, retirement of, to provide for—
SB 85, pages 236, 237, 308, 351, 486, 487, 510, 516

Legislature, pay, to forfeit if necessary appropriation bills are not passed—
HB 166, page 52

Public Educational System, State Provisional Budget for, relating to—
HB 87, pages 35, 98

CONSUMER GOOD

Warranties of merchantability or fitness, provided for—
HB 155, pages 50, 118, 236, 319, 463

COORDINATING ASSISTANT

Fifth Judicial Circuit, duties and powers of, provided for—
HB 124, page 43

COOSA COUNTY

County officers, placed on salary basis—
HB 205, pages 69, 105, 161, 345, 392, 439

COUNTIES

Barbour, Blue Springs boundaries altered—
HB 217, pages 74, 105, 146, 508, 520, 625

Barbour, Eufaula, boundaries altered—
HB 182, pages 57, 104, 141, 490, 506, 625

Bonds, notes and warrants issued by usury laws, exempt—
HB 49, pages 28, 96, 300, 442, 447, 503

Bullock, appropriation for burned school, provided—
HB 263, page 131

Calhoun, Industrial Development Authority, created—
SB 1, pages 243, 255

Cherokee, Deputy Solicitor, clerical assistance, provided—
HB 213, pages 71, 105, 145, 348, 394, 438
SB 12, pages 275, 290, 310, 355, 457

Cherokee, fines, distribution of, provided for—
HB 225, pages 76, 105, 146

Chilton, rescue squads, sales and use taxes, exempt—
HB 121, pages 43, 120, 464, 671, 685, 691

Cleburne, County Engineer, need not be qualified as a land surveyor—
HB 135, pages 45, 103, 138, 349, 395, 438

Coffee, officers, fees, commissions, percentages, allowances and compensation, regulated—
HB 13, pages 21, 102, 133, 490, 506, 631

COUNTIES (Continued)

Coosa, officers, placed on salary basis—
HB 205, pages 69, 105, 161, 345, 392, 439

Elmore, license inspector, expense allowance, provided—
HB 167, pages 52, 104, 141, 154, 348, 394, 438

Escambia, appropriation provided for costs incurred in trial of state inmates—
HB 191, pages 60, 120
SB 51, pages 239, 308, 350, 398, 460

Etowah, alcoholic beverages, malt or brewed, tax levied on—
SB 31, pages 244, 255, 311, 358, 436, 460

Etowah, motor vehicle tags, method of issuing, provided—
HB 194, page 60

Etowah, roads, to maintain—
HB 196, page 62
SB 28, pages 271, 289

Etowah, Superintendent of Education, election of, provided for—
HB 198, pages 66, 116, 157

Jackson, Board of Revenue, chairman of, expense allowance provided—
HB 30, pages 24, 115, 155, 349, 395, 438

Jefferson, fire prevention and garbage disposal districts, provided—
HB 171, pages 54, 115, 155, 346, 391, 438, 465, 510, 519, 625

Lauderdale, Elk River Development Agency, taxes, levied for—
HB 183, page 58

Lee, taxes, additional, for educational purposes, levied—
HB 142, page 47

Lee, taxes, additional, levy of, provided for—
HB 141, page 47

Limestone, Elk River Development Agency, taxes, levied for—
HB 183, page 58

Lowndes, Board of Education, appropriation, provided—
HB 223, page 76
HB 232, page 78

Macon, appropriation for burned school, provided—
HB 264, page 132

Madison, Home Rule Charter, provided—
SB 63, pages 250, 255

Madison, jurors, parking cost, appropriation to cover—
HB 177, pages 55, 129, 318
SB 62, pages 242, 255, 313, 366, 459

Marion, courts, secretary of, provided—
SB 79, pages 253, 255, 312, 361, 459

Mobile, county-wide Civil Service System, created—
HB 112, pages 41, 106, 147

COUNTIES (Continued)

Mobile, Law Enforcement Association and Fire-Fighters Association Local No. 1349, presidents of, compensated—
HB 138, page 45

Perry, Board of Education, appropriation, provided—
HB 44, page 27

Water authorities, Board of Directors, membership, regulated—
HB 54, pages 29, 110

COUNTIES 10,660 OR LESS POPULATION

Beer, draft or keg, sale of, allowed—
HB 139, pages 46, 103, 139

COUNTIES 10,660 TO 10,900 POPULATION

County officers, placed on salary basis of compensation—
HB 203, pages 69, 105, 161, 345, 392, 438

COUNTIES 10,900 TO 11,500 POPULATION

Roads and rights-of-way leading to private dwellings, maintained—
HB 136, pages 45, 103, 139, 349, 395, 438
SB 6, pages 258, 289, 310, 355, 457

COUNTIES 13,500 TO 14,250 POPULATION

Tax Assessor and Tax Collector, clerk-hire allowance, amounts, provided for—
HB 100, pages 37, 103, 137

COUNTIES 16,350 TO 16,650 POPULATION

Superintendent of Education, travel expenses, fixed—
HB 132, pages 44, 103, 138, 344, 392, 438

COUNTIES 18,500 TO 20,500 POPULATION

Board of Education, election of, provided for—
SB 9, pages 243, 255, 310, 355, 457

COUNTIES 22,575 TO 23,800 POPULATION

Circuit and County Court Bailiff, appointed—
HB 201, pages 68, 105, 145, 344, 391, 438

COUNTIES 24,500 TO 25,000 POPULATION

Tax Collector, clerks, provided for—
HB 250, pages 122, 129, 318

COUNTIES 27,900 TO 33,500 POPULATION

Bailiffs, compensation, provided for—
HB 257, pages 131, 310, 354

County Commission, expense allowance, provided—
HB 260, pages 131, 310, 354

COUNTIES 34,100 TO 34,900 POPULATION

Probate Judge, Tax Assessor, Tax Collector and Circuit Clerk, employees of, compensation regulated—
HB 14, pages 22, 102, 133, 490, 506, 625

COUNTIES 34,100 TO 34,900 POPULATION (Continued)

Probate Judge, Tax Assessor, Tax Collector and Circuit Clerk, salary, placed on—
HB 16, pages 22, 102, 134, 490, 506, 625

COUNTIES 34,875 TO 36,000 POPULATION

Alcoholic beverages, places selling, closing hours determined—
HB 179, pages 56, 104, 144, 166, 348, 394, 438

COUNTIES 35,000 TO 38,000 POPULATION

Beat seven, voters, purged and reidentified—
HB 242, pages 80, 129, 333, 508, 519, 625

Bertha Mae Barber, relief of, provided for—
HB 241, pages 80, 129, 332, 508, 520, 625
SB 14, pages 244, 255, 310, 356, 457

COUNTIES 38,100 TO 40,500 POPULATION

District Attorney, secretary, provided—
HB 172, pages 55, 116, 155, 348, 394, 438

COUNTIES 39,500 TO 41,750 POPULATION

Deputy Sheriffs, expenses to school or training program, paid—
HB 186, pages 59, 104, 143, 346, 393, 439

Sheriffs, liability of, for acts of deputies, limited—
HB 187, pages 59, 104, 143, 346, 393, 439

Rescue squads, public funds, to use—
HB 184, pages 58, 104, 142, 346, 393, 439

COUNTIES 41,500 TO 45,000 POPULATION

State Department of Revenue, coal severance taxes, to collect—
HB 32, pages 25, 102, 135, 348, 395, 438
SB 46, pages 289, 290, 311, 360, 459

State Department of Revenue, gasoline taxes, to collect—
HB 33, pages 26, 102, 136, 349, 395, 438
SB 45, pages 259, 289, 311, 360, 458

COUNTIES 45,500 TO 52,000 POPULATION

Racoons and opossums, nighttime hunting of, authorized—
HB 98, pages 37, 103, 137, 345, 392, 438

COUNTIES 50,000 TO 52,500 POPULATION

Criminals, convicted, rehabilitation of, provided—
HB 21, pages 23, 102, 135, 349, 395, 438

Prisoner rehabilitation program dealing with livestock and farming established—
HB 20, pages 22, 102, 134, 344, 391, 438

COUNTIES 54,500 TO 56,000 POPULATION

Elections and voting, regulated—
SB 7, pages 243, 255

COUNTIES 57,000 TO 61,000 POPULATION

Circuit Clerk and Register, compensation and expenses of, provided for—
HB 160, pages 51, 104, 141, 508, 519, 625, 638
SB 76, pages 243, 255, 312, 361, 459

Sheriff, supplies, allowed to sell to prisoners—
HB 178, pages 56, 104, 141, 507, 519, 625

COUNTIES 60,000 TO 65,000 POPULATION

Board of Education, expense allowance, provided—
HB 78, page 33

Coroner, fees, to charge—
HB 79, page 33

Judicial Circuits in, fees of court reporters, fixed, to be taxed as court cost—
HB 143, pages 48, 115
SB 16, pages 258, 289. 311, 356, 457

Public defender, provided for—
SB 20, pages 258, 289

Recorder's courts, to suspend sentences and grant probation—
HB 80, page 34
SB 17, pages 258, 289, 311, 357, 435, 460

COUNTIES 65,000 TO 68,000 POPULATION

Certain agencies, clerical assistance, provided—
HB 207, pages 71, 105, 161, 345, 392, 439

COUNTIES 65,500 TO 75,200 POPULATION

County commission, abolished and county to construct its own roads and bridges, referendum held to determine if—
HB 150, pages 49, 103, 140

Roads in, referendum held to determine if state or county should maintain—
HB 226, pages 77, 105, 147, 152, 345, 392, 438

COUNTIES 75,000 TO 90,000 POPULATION

Fines and forfeitures, distribution of, provided for—
HB 162, page 51

COUNTIES 90,000 TO 100,000 POPULATION

Alcoholic beverages, malt or brewed, tax on, levied—
SB 141, pages 583, 584, 627, 634, 672, 677
SB 143, pages 584, 627, 635, 671, 677

Barber commissions in, inoperative—
HB 195, pages 62, 105, 144, 508, 520, 625, 637
SB 136, pages 241, 255, 312, 362, 459

Fines, distribution of, provided for—
HB 212, pages 71, 116, 159

Road Department in, priorities set—
HB 218, page 75

COUNTIES 95,000 TO 115,000 POPULATION

Alcoholic beverages, tax imposed on—
HB 12, pages 21, 101, 133, 344, 391, 438

COUNTIES 115,000 TO 150,000 POPULATION

Alcoholic beverages, sale of, regulated—
HB 192, pages 60, 105, 144, 145

Law enforcement officers, service to state, recognized by increased allowances—
HB 151, pages 49, 118, 160, 441, 448, 503

Tax Assessor and Tax Collector, terms of office, prescribed—
HB 43, pages 27, 129, 317, 676, 686, 691

COUNTIES 115,000 TO 160,000 POPULATION

Judicial Circuits in, Ex-Officio Judge, salary fixed—
HB 154, pages 50, 129, 318

COUNTIES 150,000 TO 180,000 POPULATION

Taxes, additional, referendum to be held to determine if more should be levied—
SB 147, pages 244, 255, 313, 366, 435, 461

COUNTIES 175,000 TO 225,000 POPULATION

Municipal elected officials, retirement benefits, provided—
HB 262, pages 131, 312, 364

COUNTIES 300,000 TO 500,000 POPULATION

Courts, inferior, clerks in, salary, provided for—
HB 255, page 130

COUNTIES 300,000 TO 600,000 POPULATION

Funds received by, distribution of, provided for—
HB 158, pages 51, 313, 364

Law Enforcement and Firefighters Associations, presidents of, compensated—
SB 5, pages 241, 255

Marriages, solemnization of, provided for—
HB 113, pages 42, 106, 148
SB 24, pages 242, 255, 312, 363, 458

Supernumerary-retired Probate Judges, provided for—
HB 116, pages 42, 106, 149
SB 21, pages 241, 255, 312, 363, 458

Voting machine printouts, required to use—
HB 114, pages 42, 106, 148
SB 19, pages 241, 255, 312, 362, 457

COUNTIES 500,000 OR MORE POPULATION

Hospital funds, defined—
HB 245, page 121

COUNTIES 600,000 OR MORE POPULATION

Advertising, business of, taxes, levied on—
HB 175, pages 55, 115

COUNTIES 600,000 OR MORE POPULATION (Continued)

Cigarettes, additional license tax on, levied—
HB 168, pages 53, 114, 150, 302, 319, 328
HB 261, page 131

Circuit Clerk, supplemental salaries, fixed—
HB 131, pages 44, 115, 152

Constables, election of, provided—
HB 72, pages 32, 115, 151

Fire districts, annexation of, provided for—
HB 265, page 132

Inferior Civil Court, jurisdiction of, regulated—
HB 67, pages 32, 115, 150

Tobacco, additional taxes on, levied—
HB 146, page 48

COUNTY COMMISSIONS

Engineer trainee, to appoint
HB 52, pages 29, 120
SB 55, pages 239, 307, 350, 409, 462

Counties 27,900 to 33,500 population, expense allowance, provided—
HB 260, pages 131, 310, 354

Counties 65,500 to 75,200 population, abolished, and new appointed—
HB 150, pages 49, 103, 140

COUNTY COURT

Counties 22,575 to 23,800 population, bailiff, appointed—
HB 201, pages 68, 105, 145, 344, 391, 438

COUNTY COURT JUDGE

Eleventh Judicial Circuit, clerk-hire allowance, increased—
HB 227, pages 78, 106, 147, 346, 393, 439

COUNTY ENGINEERS

Cleburne County, need not be qualified as a land surveyor—
HB 135, pages 45, 103, 138, 349, 395, 438

Etowah County, appointment, provided for—
HB 196, page 62
SB 28, pages 271, 289

COUNTY PLANNING, ZONING AND SUBDIVISION CONTROL

Unincorporated areas, regulation and development of, provided for—
HB 149, page 49

COUNTY ROAD DEPARTMENTS

Counties 90,000 to 100,000 population, priorities set—
HB 218, page 75

COURT ADMINISTRATORS

Jury duty, authorized to excuse persons from—
HB 92, page 36

COURT OF CRIMINAL APPEALS

Judge of, three Circuit Judge Panel, to appoint, to review felony sentences—
SB 94, pages 238, 309, 350, 398

COURTS

Marion County, secretary of, provided—
SB 79, pages 253, 255, 312, 361, 459

Counties 300,000 to 500,000 population, inferior, clerks in, salary, provided for—
HB 255, page 130

CORONER

Counties 60,000 to 65,000 population, fees, to charge—
HB 79, page 33

CREDIT SALES

Maximum finance charges for, provided—
HB 210, pages 71, 96, 301, 500, 506, 625

CREDIT UNIONS

Bureau of, Credit Union, Board of, Governor, to appoint—
HB 247, pages 122, 313

CRIMES AND CRIMINALS

After execution of sentence, civil rights restored—
HB 252, pages 123, 128

Escambia County, appropriation provided for costs incurred in trial of state inmates—
HB 191, pages 60, 120
SB 51, pages 239, 308, 350, 398, 460

Felonies, application for review of, provided for—
HB 157, pages 50, 118
SB 94, pages 238, 309, 350, 398

Persons sentenced to three years or less, place of confinement determined—
HB 221, pages 76, 112
SB 84, pages 238, 309, 350, 397, 460

Sentences, review of, when reduced, provided—
HB 37, pages 26, 117

Counties 50,000 to 52,500 population, convicted rehabilitation of, provided—
HB 21, pages 23, 102, 135, 349, 395, 438

CRIMINAL REHABILITATION

Counties 50,000 to 52,000 population, provided for—
HB 21, pages 23, 102, 135, 349, 438

CRIMINAL SENTENCES

Review of, when reduced, provided for—
HB 37, pages 26, 117

DAVIDSON, COACH RUDY

Speedy recovery, wished—
HR 25, pages 123, 130

DENTISTRY

Scholarship and loan program for study of, established—
HB 68, pages 32, 119

DEPARTMENT OF EDUCATION

State, kindergarten, public program, to establish and maintain—
HB 85, pages 34, 128

DEPARTMENT OF REVENUE

State income taxes, depreciation deductions, to allow—
HB 119, page 43

DEPARTMENT OF THE EXAMINERS OF PUBLIC ACCOUNTS

State leases, to examine—
SJR 21, page 527

DEPENDENT CHILDREN

Aid to, program regulated—
HB 238, pages 80, 117, 351, 410

DISABLED ADULTS

Abuse, neglect or exploitation of, prohibited—
HB 93, pages 36, 110, 351, 409

DISABLED VETERANS

License tags, taxes on, exempt—
SB 34, pages 240, 307, 350, 407, 460

DISTRICT ATTORNEY

Fifth Judicial Circuit, chief deputy, appointed—
HB 125, page 44

Fifth Judicial Circuit, expense allowance, additional, provided—
HB 126, page 44

Fifth Judicial Circuits, special assistant, appointed—
HB 126, page 44

Twenty-third Judicial Circuit, assistant, appointed and compensated—
HB 190, pages 59, 118, 296, 300
SB 25, pages 242, 255, 307, 350, 397, 460

Counties 38,100 to 40,500 population, secretary, provided—
HB 172, pages 55, 116, 155, 348, 394, 438

DOCTORS

Joint Advisory Board of Family Practice, created—
HB 90, pages 35, 96, 297, 499, 507, 625

DR. GEORGE L. LAYTON

Jefferson State Junior College, building named—
HB 173, pages 55, 113

DR. HAROLD C. MARTIN

Jefferson State Junior College, building named—
HB 173, pages 55, 113

DR. THURSTON L. FAULKNER

Jefferson State Junior College, building named—
HB 173, pages 55, 113

DONOR EYES

Morticians, undertakers, embalmers and funeral directors, authorized to enucleate—
HB 123, pages 43, 114

DRAFT BEER

Counties 10,660 or less population, sale of, permitted—
HB 139, pages 46, 103, 139

DRAPER PRISON

Conjugal visits, provided for—
HB 64, page 31

EDUCATION

Accounting by various elements of, required—
HR 102, page 38

Alabama Exceptional Child Education Act, profoundly retarded child, included under—
HB 105, pages 38, 309

Alabama Postsecondary 1202 Commission, appropriation, provided—
HB 59, page 30

County Superintendents of Education, election of, provided for—
HB 209, page 71

Free enterprise system, students to be instructed of benefits of—
HB 84, pages 34, 128

Interstate agreement on qualification of educational personnel, state board of, to enter into—
HB 74, pages 33, 128

Kindergarten, public program, State Department of Education, to establish and maintain—
HB 85, pages 34, 128

Lee County, additional taxes for, levied—
HB 142, page 47

Local School Advisory Committees, Local School Trustees, name changed to—
HB 29, pages 24, 128

Medical, scholarship program established for—
HB 115, pages 42, 119

Public, appropriations made for—
HB 9, pages 21, 95, 168, 413, 441, 445, 539, 593, 597, 621, 626, 646, 668, 673, 685, 691

EDUCATION (Continued)

Public Educational System, state, provisioned budget for, relating to—
HB 87, pages 35, 98

Pupil transportation, safe, provided for—
HB 200, pages 68, 129, 338

School Principals, local Boards of Education, to operated under policies determined by—
HB 159, pages 51, 128, 453

State Board of Education, educators serving as members of prohibition of, deleted—
HB 249, page 122

Vocational schools, located in territory annexed to a city, to remain under jurisdiction of County Board of Education—
HB 199, pages 68, 309

EDUCATION BUDGET

Appropriations made for—
HB 9, pages 21, 95, 168, 413, 441, 445, 539, 593, 597, 621, 626, 646, 668, 673, 685, 691

EGGS

Pallets used in shipping, taxes on, exempt—
HB 23, page 23

ELECTED OFFICIALS

Retirement fund, created—
SB 47, pages 237, 308, 351, 486, 488, 490, 670, 678, 689

Retirement of, legislature to provide for—
SB 85, pages 236, 237, 308, 351, 486, 487, 510, 516

Counties 175,000 to 225,000 population, retirement benefits, provided—
HB 262, pages 131, 312, 364

ELECTIONS

Cities 22,000 to 25,000 population, mayor, election of, provided for—
HB 56, page 30

Cities 300,000 or less population, regulated and provided for—
HB 169, pages 54, 100, 466, 467
HB 170, pages 54, 101, 466, 468

Counties 54,500 to 56,000 population, regulated—
SB 7, pages 243, 255

ELEVENTH JUDICIAL CIRCUIT

Judge of County Court, clerk hire allowance, increased—
HB 227, pages 78, 106, 147, 346, 393, 439

ELK RIVER DEVELOPMENT AGENCY

Created—
HB 183, page 58

ELK RIVER WATERSHED AREA

Development of, relating to—
HB 183, page 58

ELLINGTON, S. J.

Commended—
HR 65, page 502

ELMORE COUNTY

License inspector, expense allowance, provided—
HB 167, pages 52, 104, 141, 154, 348, 394, 438

EMBALMERS

Donor eyes, authorized to enucleate—
HB 123, pages 43, 114

EMPLOYEES' RETIREMENT SYSTEM

Alabama State Employees Association, full-time employees of, to participate in—
HB 27, page 24

Retired member of, employment of, regulated—
HB 99, pages 37, 109, 335, 586, 595, 625

Teachers Retirement System, benefits equalized under—
HB 214, pages 73, 95, 231, 493, 504, 517, 521, 529, 623, 624, 631

ENGEL, GEORGE

Congratulated—
HJR 17, pages 88, 125, 327, 340, 437

ENGINEER TRAINEE

County Commissions, to appoint—
HB 52, pages 29, 120
SB 55, pages 239, 307, 350, 409, 462

ESCAMBIA COUNTY

Appropriation provided for cost incurred in trial of state inmates—
HB 191, pages 60, 120
SB 51, pages 239, 308, 350, 398, 460

ETHICS LAW

Repealed—
HB 233, pages 78, 112, 299

ETOWAH COUNTY

Alcoholic beverages, malt or brewed, tax levied on—
SB 31, pages 244, 255, 311, 358, 436, 460

Motor vehicle tags, method of issuing, provided—
HB 194, page 60

Roads, to maintain—
HB 196, page 62
SB 28, pages 271, 289

Superintendent of Education, election of, provided for—
HB 198, pages 66, 116, 157

EUFAULA

Boundaries, altered—
HB 182, pages 57, 104, 141, 490, 506, 625

EXCHANGE STUDENTS

Republic of Colombia, from, welcomed—
HJR 40, pages 314, 343, 390, 438

EX-OFFICIO JUDGE

Counties 115,000 to 160,000 population, judicial circuits composed of, salary fixed—
HB 154, pages 50, 129, 318

EXOTIC GAME

Hunting of, in state, one day license, provided for—
HB 147, pages 48, 113

EXPENSE ALLOWANCES

Board of Corrections members, increased—
HB 256, page 131

Elmore County, License Inspector, provided—
HB 167, pages 52, 104, 141, 154, 348, 394, 438

Fifth Judicial Circuit, District Attorney, additional provided—
HB 126, page 44

Jackson County, Board of Revenue, Chairman of, provided—
HB 30, pages 24, 115, 155, 349, 395, 438

Judicial Circuits, composed of one county with 7 to 12 circuit judges, provided—
HB 188, pages 59, 117, 163

State Board of Education, increased—
HB 83, pages 34, 119

Counties 27,900 to 33,500 population, County Commission, provided—
HB 260, pages 131, 310, 354

Counties 60,000 to 65,000 population, Board of Education, provided—
HB 78, page 33

EYE GLASSES

Optometry, license to practice, not required for sale of—
HB 107, pages 38, 109

EYES

Donor, morticians, undertakers, embalmers and funeral directors, authorized to enucleate—
HB 123, pages 43, 114

FELONIES

Application for review of, provided for—
HB 157, pages 50, 118
SB 94, pages 238, 309, 350, 398

Persons convicted of, temporary release of, to find employment and place to live after release—
HB 189, pages 59, 112

FIFTH JUDICIAL CIRCUIT

Coordinating assistant, duties and powers of, provided for—
HB 124, page 43

District Attorney, Chief Deputy, to appoint—
HB 125, page 44

District Attorney, expense allowance, additional provided—
HB 126, page 44

District Attorney, special assistant, appointed—
HB 126, page 44

Solicitors fees, pertaining to—
HB 222, pages 76, 117, 336, 508, 519, 625

FILES, EDGAR

Death mourned—
HJR 44, pages 317, 369, 436, 447, 503

FINANCE DIRECTOR

Leased state agencies facilities, to compile report on—
HR 58, page 442

FINES AND FORFEITURES

Cherokee County, distribution of, provided for—
HB 225, pages 76, 105, 146

Counties 75,000 to 90,000 population, distribution of, provided for—
HB 162, page 51

Counties 90,000 to 100,000 population, distribution of, provided for—
HB 212, pages 71, 116, 159

FIRE ANTS

Eradication of, appropriation for, provided—
HB 8, pages 20, 119
SB 42, pages 239, 307, 350, 408, 462

FIRE DISTRICTS

Counties 600,000 or more population, annexation of, provided for—
HB 265, page 132

FIREFIGHTERS

Alabama Firefighters Personnel Standards and Education Commission, provided further for—
HB 244, pages 121, 306, 521

FIREFIGHTERS ASSOCIATIONS

Counties 300,000 to 600,000 population, presidents of, compensated—
SB 5, pages 241, 255

FIREMEN

Gadsden, city of, retirement fund, Board of Trustees, created—
HB 1, pages 8, 101, 132
SB 32, pages 259, 289, 311, 359, 458

Volunteer Fire Departments, civil liability, exempt from—
HB 117, pages 42, 118

FISHING LICENSES

Non-resident, cost of, increased—
HB 96, pages 36, 98

FOREIGN MEDICAL SCHOOL GRADUATES

United States citizens who are, licensure of, expedited—
HB 95, pages 36, 96, 236, 295, 496, 506, 625

FORESTRY

Definition of, provided—
HB 248, pages 122, 306

FORT MORGAN HISTORICAL COMMISSION

Abolished—
HB 65, pages 31, 110, 351
HB 97, page 37

FOUNTAIN CORRECTIONAL INSTITUTION

Conjugal visits, provided for—
HB 64, page 31

FRANK LEE YOUTH CENTER

Conjugal visits, provided for—
HB 64, page 31

FREE ENTERPRISE SYSTEM

Students, of public schools, to be instructed of benefits of—
HB 84, pages 34, 128

FUNERAL DIRECTORS

Donor eyes, authorized to enucleate—
HB 123, pages 43, 114

FUR-DEALERS

Resident and non-resident, distinctions between, eliminated—
HB 144, pages 48, 116

GADSDEN

City of, Civil Service Board for, created—
SB 2, pages 277, 290

City of, Policemens' and Firemen's Retirement Fund, Board of Trustees, created—
HB 1, pages 8, 101, 132
SB 32, pages 259, 289, 311, 359, 458

GADSDEN STATE JUNIOR COLLEGE

Buildings, named—
HB 2, pages 20, 112, 298, 672

GAME AND FISH

Exotic or non-native, when hunted in state, one day license, provided for—
HB 147, pages 48, 113

GAME AND FISH (Continued)

Fishing licenses, non-resident, costs of, increased—
HB 96, pages 36, 98

Public hunting areas, appropriation provided, for improvements of—
HB 94, page 36

Tennessee River, fish, taking of by certain type nets, prohibited—
HB 118, page 43

Wild Turkey, official state game bird, designated—
HB 60, pages 30, 113

Counties 45,500 to 52,000 population, racoons and opossums, nighttime hunting of, authorized—
HB 98, pages 37, 103, 137, 345, 392, 438

GARDEN CLUB OF ALABAMA, INC.

Taxes, sales and use, exempt—
HB 25, page 23

GASOLINE TAXES

Counties 41,500 to 45,000 population, State Department of Revenue, to collect—
HB 33, pages 26, 102, 136, 349, 395, 438
SB 45, pages 259, 289, 311, 360, 458

GAYLESVILLE HIGH SCHOOL FOOTBALL TEAM

Congratulated—
HR 67, page 511

GENERAL BILLS

Synopsis on, relating to—
HR 30, page 167

GEORGE C. WALLACE BUILDING

University of Alabama in Birmingham, named—
HB 66, pages 31, 110

GEORGE C. WALLACE SPEECH AND HEARING CENTER

University of Montevallo, named—
HB 120, pages 43, 112, 337, 514, 520, 625

GILL NETS

Tennessee River, use of, prohibited—
HB 118, page 43

GOATS

Buying or selling of, after sunset or before sunrise, unlawful—
HB 4, pages 20, 116

GOVERNOR

Credit Union Board of the Bureau of Credit Unions, to appoint—
HB 247, pages 122, 313

Notified Legislature is in session—
HJR 2, page 6
SJR 1, page 125

GRAHAM, JOE W.

Death mourned—
HJR 92, pages 641, 675, 687, 691

GRANT, MR. AND MRS. HARRIS C.

Congratulated—
HJR 16, pages 88, 125, 327, 340, 437

GRIEVANCE PROCEDURE

Boards of Education, to develop with employees—
HB 224, page 76

GRISSOM HIGH SCHOOL BAND

Commended—
HJR 85, pages 630, 675, 687, 691

HALL, REPRESENTATIVE AND MRS. BOB

Congratulated—
HR 71, page 525

HANDICAPPED

Alabama Exceptional Child Education Act, profoundly retarded child, included under—
HB 105, pages 38, 309

HARDIN, GENERAL JAMES TAYLOR

Commended—
SJR 15, pages 290, 456

HARDIN, TAYLOR AND STAFF

Commended—
HJR 51, pages 353, 413, 447, 503

HARRISON, REPRESENTATIVE ANTONIO L.

Third National Institute for Black Elected Public Officials, to attend—
HJR 66, page 510
HJR 79, page 620
HJR 80, page 628

HAYES, JACKIE

Congratulated—
HJR 95, pages 643, 675, 687, 691

HAYNEVILLE SCHOOL

Lowndes County Board of Education appropriation provided for—
HB 223, page 76

HEIBERGER

School in, appropriation for capital outlay, provided—
HB 44, page 27

HIGHWAY BEAUTIFICATION ACT—OUTDOOR ADVERTISING

Amended—
HB 101, pages 37, 96, 294

HIGHWAY DEPARTMENT

State, Board of Corrections, real estate, buildings and fixtures, used in prisoner road and highway work, to transfer to—
HB 19, page 22

HILL, MRS. DORA JEAN

Congratulated—
HJR 86, pages 633, 675, 687, 691

HOGS

Buying or selling of, after sunset or before sunrise, unlawful—
HB 4, pages 20, 116

HOLMAN PRISON

Conjugal visits, provided for—
HB 64, page 31

HOLMES, ALVIN

Third National Institute for Black Elected Public Officials, to attend—
HJR 80, page 628

HOLMES, RALPH

Happy birthday felicitations, extended—
HR 93, pages 642, 666

HOME RULE CHARTER

Huntsville, provided—
SB 63, pages 250, 255

Madison County, provided—
SB 63, pages 250, 255

HONEY

Uniform law, provided—
HB 174, pages 55, 116

HOSPITAL AUTHORITIES

Directors of, different provisions of first term, provided—
HB 152, pages 49, 110
SB 81, pages 256, 257, 306, 350, 503, 515, 531

HOSPITAL FUNDS

Counties 500,000 or more population, defined—
HB 245, page 121

HOSSACK, REVEREND DOCTOR GEORGE B.

Appreciated—
HR 26, pages 124, 130

HOUSE BILL 9

Senate, returned to—
HR 64, page 501

HOUSE RULE 46

Amended—
HR 49, page 351

HUEYTOWN HIGH SCHOOL

Commended—
SJR 30, pages 537, 596

HUNTING

Exotic or non-native game, when hunted, one day license, provided for—
HB 147, pages 48, 113

HUNTING LICENSES

Non-resident, costs, relating to—
HB 71, pages 32, 98

Persons 65 years and older, permanent, free, provided—
HB 50, page 29

HUNTSVILLE

Home Rule Charter, provided—
SB 64, pages 252, 255

INCOME TAXES

State, depreciation deductions, allowed—
HB 119, page 43

INDUSTRIAL DEVELOPMENT AUTHORITY

Calhoun County, created—
SB 1, pages 243, 255

INDUSTRIALS RELATIONS DEPARTMENT

Law enforcement officers of, subsistence allowance, provided—
HB 180, pages 57, 118
SB 52, pages 239, 240

INDUSTRIAL REVENUE BONDS

Notification procedure for the issuance of, required—
HB 108, pages 39, 99

INFERIOR CIVIL COURTS

Counties 600,000 or more population, jurisdiction of, regulated—
HB 67, pages 32, 115, 150

INSECTS

Fire ants, eradication of, appropriation for, provided—
HB 8, pages 20, 119
SB 42, pages 239, 307, 350, 408, 462

INSTRUMENTS OF CONVEYANCE

Recordation of, taxes levied upon, religious organizations, exempt—
HB 129, page 44

INSURANCE

Laws of the state relating to, revised, consolidated and classified—
HB 86, pages 34, 97, 521

Political subdivisions, authorized to purchase—
HB 208, pages 71, 98, 236

Unemployment insurance fraud investigators, peace officers, to become—
HB 148, pages 48, 120, 339

INSURANCE COMPANIES

Laws of the state relating to revised, consolidated and classified—
HB 86, pages 34, 97, 521

INTERSTATE AGREEMENT ON QUALIFICATION OF EDUCATIONAL PERSONNEL

State Board of Education, to enter into—
HB 74, pages 33, 128

JACKSON COUNTY

Board of Revenue, Chairman of, expense allowance, provided—
HB 30, pages 24, 115, 155, 349, 395, 438

JEFFERSON COUNTY

Fire prevention and garbage disposal districts, provided—
HB 171, pages 54, 115, 155, 346, 391, 438, 465, 510, 519, 625

JEFFERSON STATE JUNIOR COLLEGE

Dr. Thurston L. Faulkner, Dr. Harold C. Martin, and Dr. George L. Layton, buildings named—
HB 173, pages 55, 113

JOHNSON, REPRESENTATIVE ROY

Citizens Conference on State Legislature, attendance at, approved—
HJR 78, page 534

JOINT ADVISORY BOARD OF FAMILY PRACTICE

Created—
HB 90, pages 35, 96, 297, 499, 507, 625

JOINT COMMITTEE TO STUDY INTERSTATE AND INTRASTATE HIGHWAY SAFETY

Continued—
HJR 28, pages 130, 343, 390, 438

JOINT INTERIM COMMITTEE

Judicial retirement, to study, created—
HJR 22, page 92

Prisoner release, to study, created—
HJR 10, pages 83, 400, 446, 503

JOINT INTERIM COMMITTEE ON AGRICULTURE

Authorized to spend funds—
HJR 76, page 533

JOINT INTERIM COMMITTEE ON FINANCE AND TAXATION

Tentative budget, to prepare—
HJR 61, page 493

JOINT INTERIM COMMITTEE TO STUDY EFFICIENCY OF DEPARTMENT OF EDUCATION

Created—
SJR 13, pages 291, 456

JOINT INTERIM COMMITTEE TO STUDY RECYCLING OF MATERIALS

Created—
SJR 20, pages 401, 456

JOINT INTERIM COMMITTEE TO STUDY THE SALE OF GRAIN

Created—
HJR 106, page 688
SJR 28, page 508
SJR 40, pages 681, 688

JOINT INTERIM COMMITTEE TO STUDY VOCATIONAL EDUCATION

Created—
HJR 68, page 512
SJR 29, pages 592, 597

JOINT RULES

Amended—
HJR 53, pages 407, 514

JOINT SESSION TO HEAR GOVERNOR GEORGE C. WALLACE
Page 7

JOINT SUPERNUMERARY STUDY COMMITTEE

Created—
HJR 19, pages 90, 94, 334, 347, 438

JONES, SENATOR FRED

Congratulated—
SJR 18, pages 402, 456

JUDICIAL CIRCUITS

Eleventh, Judge of County Court, clerk hire allowance, increased—
HB 227, pages 78, 106, 147, 346, 393, 439

Fifth, coordinating assistant, duties and powers, provided for—
HB 124, page 43

Fifth, District Attorney, Chief Deputy, to appoint—
HB 125, page 44

Fifth, District Attorney, expense allowance, additional, provided—
HB 126, page 44

Fifth, District Attorney, special assistant, appointed—
HB 126, page 44

Fifth, Solicitors' fees, pertaining to—
HB 222, pages 76, 117, 336, 508, 519, 625

JUDICIAL CIRCUITS (Continued)

One county, with 7 to 12 Circuit Judges, expense allowance, provided—
HB 188, pages 59, 117, 163

Seventeenth, Solicitor, provided for—
HB 253, pages 123, 127

Thirteenth, Circuit Court Judge, additional, provided for—
HB 130, pages 44, 120, 160, 164

Thirty-eighth, circuit judgeship, additional, created—
HB 31, pages 25, 118, 300, 348, 394, 438
SB 43, pages 244, 255, 314, 333, 368, 458

Thirty-seventh, circuit court, to be held anywhere in county—
HB 163, page 51
SB 18, pages 258, 289, 310

Thirty-seventh, circuit judges, supernumerary, salaries, supplemented—
HB 164, page 52
SB 15, pages 259, 289, 314, 334, 368, 457

Twenty-third, Assistant District Attorneys, appointed and compensated—
HB 190, pages 59, 118, 296, 300
SB 25, pages 242, 255, 307, 350, 397, 460

Counties 60,000 to 65,000 populataion, fees of court reporters, fixed, to be taxed as court cost—
HB 143, pages 48, 115
SB 16, pages 258, 289, 311, 356, 457

Counties 115,000 to 160,000 population, Ex-officio Judge, salary fixed—
HB 154, pages 50, 129, 318

JULIA T. TUTWILER PRISON

Conjugal visits, provided for—
HB 64, page 31

JUNIOR COLLEGES

Cautioned in regard to expansion—
HR 32, page 168

JURIES AND JURORS

Jury duty, court administrator, authorized to excuse persons from—
HB 92, page 36

Jury duty, some exemptions from, eliminated—
HB 91, page 36

Madison County, parking cost, appropriation, to cover, provided—
HB 177, pages 55, 129, 318
SB 62, pages 242, 255, 313, 366, 459

JURY DUTY

Court administrator, authorized to excuse persons from—
HB 92, page 36

JURY DUTY (Continued)

Exemptions from, some eliminated—
HB 91, page 36

KENDALL, MRS. ROBERT G., JR.

Commended—
HJR 37, pages 293, 327, 340, 437

KENNEDY HIGH SCHOOL FOOTBALL TEAM

Commended—
HR 103, page 680

KINDERGARTEN

Public program, State Department of Education, to establish and maintain—
HB 85, pages 34, 128

LAMAR COUNTY HIGH SCHOOL GIRLS VOLLEYBALL TEAM

Commended—
HR 98, page 645

LAND SURVEYORS

Cleburne County engineer, need not be qualified as—
HB 135, pages 45, 103, 138, 349, 395, 438

LAUDERDALE COUNTY

Elk River Development Agency, taxes levied for—
HB 183, page 58

LAW ENFORCEMENT ASSOCIATIONS

Counties 300,000 to 600,000 of, president of, compensated—
SB 5, pages 241, 255

LAW ENFORCEMENT OFFICERS

Industrial Relations Department, subsistence allowance for, provided—
HB 180, pages 57, 118
SB 35, page 240
SB 52, pages 239, 240
SB 100, pages 240, 308, 350, 408, 409, 462

Minimum starting wage, guaraanteed, provided—
HB 219, pages 76, 119, 301

Service to state, recognized by increased allowances—
HB 151, pages 49, 118, 160, 441, 448, 503

State Board of Pardons and Paroles, subsistence allowance, provided—
HB 69, page 32

State, defined—
HB 234, pages 79, 95, 226
SB 50, pages 238, 307, 350, 396, 460, 589, 597

LEASED STATE FACILITIES

Finance Director, to compile a report on—
HR 58, page 442

LEE COUNTY

Additional taxes, levy of, provided for—
HB 141, page 47

Taxes, additional, for educational purposes, levied—
HB 142, page 47

LEGISLATIVE REFERENCE SERVICE

Appropriation, provided—
HB 11, pages 21, 107
SB 39, pages 237, 307, 350, 406, 460

LEGISLATORS

Minimum expense for in-state travel, exempt from—
HB 63, pages 31, 120, 341, 514, 520, 625

LEGISLATURE

Date of sessions, established—
HB 239, pages 80, 112

Department of Public Safety, security, to provide for—
HJR 21, pages 91, 95
SJR 10, pages 403, 456

Expenses, not authorized by the Constitution, requested to forego—
HJR 84, page 629

Joint session, announced—
HJR 3, page 6

Pay, to forfeit, if necessary appropriation bills are not passed—
HB 166, page 52

LIBRARY PRIVILEGES

Sixty-five year olds, institutions of higher learning, extended to—
HB 61, pages 30, 308

LICENSE COMMISSIONERS

Supernumerary, provided for—
HB 243, page 121

LICENSE TAGS

Disabled veterans, taxes on, exempt—
SB 34, pages 240, 307, 350, 407, 460

LIMESTONE COUNTY

Elk River Development Agency, taxes, levied for—
HB 183, page 58

LIQUOR

Half pints and miniatures, to be sold in—
HB 40, pages 27, 111, 236

LIQUOR STORES

Cities 12,350 to 12,370 population, location of, provided for—
HB 39, pages 27, 102, 136

LIVESTOCK

Buying or selling of, after sunset or before sunrise, unlawful—
HB 4, pages 20, 116

Persons, buying or selling, licensed and bonded, required to be—
HB 3, pages 20, 97

Counties 50,000 to 52,500 population, prisoner rehabilitation program dealing with, established—
HB 20, pages 22, 102, 134, 344, 391, 438

LIVESTOCK DEALERS

License fee, annual, to pay—
HB 3, pages 20, 97

LIVESTOCK THEFT INVESTIGATORS

Peace officers, powers and authority of, vested in—
HB 7, pages 20, 97

LIVINGSTON UNIVERSITY HIGHWAY

Named—
HB 133, pages 45, 113, 162, 514, 520, 625

LOACHAPOKA

Town of, privilege license and excise taxes, special, levied—
HB 81, page 34

LOANS

Maximum finance charges for, provided—
HB 210, pages 71, 96, 301, 500, 506, 625

LOCAL SCHOOL ADVISORY COMMITTEE

Local school trustees, name changed to—
HB 29, pages 24, 128

LOCAL SCHOOL TRUSTEES

Local school advisory committee, name changed to—
HB 29, pages 24, 128

LOWNDES COUNTY

Board of Education, appropriation provided—
HB 223, page 76
HB 232, page 78

L P GAS

Agricultural producers, used by, state sales tax, exempt from—
HB 26, page 24

McMILLAN, STEVE

Commended—
HJR 14, pages 87, 125, 327, 340, 437

McNAIR, MR. JEWEL

Congratulated—
HJR 97, pages 645, 676, 688, 691

NOTARIES PUBLIC

Uniform recognition of acknowledgements by, provided for—
HB 228, pages 78, 117

NATIONAL INSTITUTE OF BLACK ELECTED PUBLIC OFFICIALS

Representatives of Legislature, to attend—
HJR 66, page 510
HJR 79, page 620
HJR 80, page 628
HR 83, page 629
HR 88, page 636
SJR 39, page 681

NICHOLS, REVEREND GUS

Commended—
HJR 48, pages 351, 413, 446, 503

NURSES

Scholarship program, to promote education of, provided—
HB 89, pages 35, 308

OCCUPATIONAL INJURIES AND ILLNESSES

Workmen's compensation for, provided for—
SB 80, pages 255, 256, 305, 350, 369, 440, 461

OFFICIAL STATE GAME BIRD

Wild Turkey, designated—
HB 60, pages 30, 113

OPOSSUMS

Counties 45,500 to 52,000 population, nighttime hunting of, authorized—
HB 98, pages 37, 103, 137, 345, 392, 438

OPTOMETRY

Eyeglasses, sale of, license to practice, not required—
HB 107, pages 38, 109

Relating to 1975 Regular Session Act 1148, changing certain items in bill—
SB 138, pages 257, 258, 309, 350, 404, 461, 534, 597

OUT-OF-STATE TRAVEL

Employees under the State Board of Education, provided for—
HB 215, pages 73, 128

OVERTIME PAY

Law enforcement officers, state, provided for—
HB 234, pages 79, 95, 226
SB 50, pages 238, 307, 350, 396, 460, 589, 597

PAINT

Sale of, regulated—
HB 5, pages 20, 116

PARDONS AND PAROLES

State board of, law enforcement officers of, subsistence allowance, provided—
HB 69, page 32

State board of, members of, State Employees Retirement System, to become—
HB 246, pages 122, 308, 443, 671, 685, 691

State board of, parolee residents, room and board, charged for—
SB 113, pages 238, 309, 350, 397, 461

PARKING AUTHORITIES

Cities 22,000 to 25,000 population, established—
HB 75, page 33
SB 13, pages 259, 289

PAROLEES

State Board of Pardons and Paroles, community resident, room and board, charged—
SB 113, pages 238, 309, 350, 397, 461

PEACE OFFICERS

Livestock Theft Investigators, to have powers and authority of—
HB 7, pages 20, 97

Unemployment Insurance Fraud Investigators, to become—
HB 148, pages 48, 120, 339

Cities 60,000 to 70,000 population, special police officer, to employ—
HB 153, pages 50, 104, 140, 345, 392, 438

PEARSON, SENATOR J. RICHMOND

Third National Institute for Black Elected Public Officials, to attend—
HJR 66, page 510

PENSIONS AND SECURITIES

Child support programs, to operate—
HB 238, pages 80, 117, 351, 410

PERRY COUNTY

Board of Education, appropriation, provided—
HB 44, page 27

PHYSICAL FITNESS DEPARTMENT

Director of, State Employees Retirement System, member of, to become—
HB 246, pages 122, 308, 443, 671, 685, 691

PHYSICIANS

Joint Advisory Board of Family Practice, created—
HB 90, pages 35, 96, 297, 499, 507, 625

PITTMAN-ROBERTSON FUNDS

Federal, game and fish division, to receive—
HB 94, page 36

PNEUMOCONIOSIS

Total disability and death due to, compensation for, provided—
HB 57, page 30

POLICE OFFICERS

Gadsden, city of, retirement fund, Board of Trustees, created—
HB 1, pages 8, 101, 132
SB 32, pages 259, 289, 311, 359, 458

PORT OF MOBILE

Bonds, State Docks Department, to sell and issue for, authorized—
HB 109, pages 39, 107
HB 110, pages 40, 108

POULTRY AND POULTRY PRODUCTS

Eggs, pallets used in shipping, taxes on, exempt—
HB 23, page 23

POWELL, JAMES A.

Congratulated—
HJR 36, pages 293, 327, 341, 437

PRISONER MEAL ALLOWANCE

Increased—
HB 88, pages 35, 120, 485

PRISONER REHABILITATION PROGRAM

Counties 50,000 to 52,500 population, livestock and farming, dealing with, established—
HB 20, pages 22, 102, 134, 344, 391, 438

PRISONER ROAD CAMPS

State Highway Department, used in prisoner road and highway work, Board of Corrections, transferred to—
HB 19, page 22

PRISON MEDICAL CARE

Delivery of, to improve—
HJR 46, pages 335, 344, 390, 438

PRISONS AND PRISONERS

Daily meal allowance, increased—
HB 88, pages 35, 120, 485

Holman Prison, Fountain Correctional Institution, Julia T. Tutwiler Prison, Mt. Meigs Correctional Facility, Draper Prison and Frank Lee Youth Center, conjugal visits, provided for—
HB 64, page 31

Joint state-county work-release program, established—
HB 22, pages 23, 111, 337, 585, 595, 625

PRISONS AND PRISONERS (Continued)

Place of confinement when sentenced to three years or less, determined—
HB 221, pages 76, 112
SB 84, pages 238, 309, 350, 397, 460

Counties 50,000 to 52,500 population, rehabilitation program dealing with livestock and farming, established—
HB 20, pages 22, 102, 134, 344, 391, 438

Counties 57,000 to 61,000 population, sheriff, prisoners, allowed to sell supplies to—
HB 178, pages 56, 104, 141, 507, 519, 625

PROBATE JUDGE

Motor vehicles, change of ownership fee, increased—
HB 236, pages 79, 117

Radiation licenses or registrations, fee, to be paid to—
HB 55, pages 29, 120

Counties 34,100 to 34,900 population, employees of, compensation, regulated—
HB 14, pages 22, 102, 133, 490, 506, 625

Counties 34,100 to 34,900 population, salary, placed on—
HB 16, pages 22, 102, 134, 490, 506, 625

Counties 300,000 to 600,000 population, supernumerary-retired, provided for—
HB 116, pages 42, 106, 149
SB 21, pages 241, 255, 312, 363, 458

PROBATE OFFICES

Service rendered in, fees for, altered—
SB 123, pages 237, 238, 308, 350, 522, 622, 670, 682, 689

PROFESSIONAL ASSOCIATIONS

Allowed to practice both medical and dental services—
HB 230, pages 78, 118

Unincorporated, regulated further—
HB 229, pages 78, 117

PROFESSIONAL CORPORATION ACT

Amended—
HB 230, pages 78, 118

PROFESSIONAL FORESTERS FUND

Created—
HB 248, pages 122, 306

PUBLIC CONTRACTS

Competitive bidding on, provided—
HB 41, pages 27, 111, 236, 448

PUBLIC DEFENDER

Counties 60,000 to 65,000 population, provided for—
SB 20, pages 258, 289

PUBLIC EDUCATIONAL SYSTEM

State, provisional budget for, relating to—
HB 87, pages 35, 98

PUBLIC HEALTH

Blood, collection, sale, labeling, and use of, regulated—
HB 176, pages 55, 114

Smoking, prohibited in certain places—
HB 140, pages 46, 113

PUBLIC HIGHWAY AND TRAFFIC FUND

Motor vehicle license taxes, received by counties, to be deposited in—
HB 161, pages 51, 99

PUBLIC HUNTING AREAS

Game and Fish Division, appropriation provided, for improvements—
HB 94, page 36

PUBLIC OFFICIALS

Redefined—
HB 42, pages 27, 111, 464

PUBLIC SERVICE COMMISSION

Companies, furnishing water for public consumption, authority to regulate, removed—
HB 58, pages 30, 98

PUBLIC SERVICE DISTRICTS

Solid waste disposal districts, to include—
HB 240, pages 80, 114, 162, 489, 505, 625

PUPIL TRANSPORTATION

Safe, provided for—
HB 200, pages 68, 129, 338

MACON COUNTY

Appropriation for burned school, provided—
HB 264, page 132

MADISON COUNTY

Home Rule Charter, provided—
SB 63, pages 250, 255

Jurors, parking cost, appropriation to cover—
HB 177, pages 55, 129, 318
SB 62, pages 242, 255, 313, 366, 459

MARION COUNTY

Courts, secretary of, provided—
SB 79, pages 253, 255, 312, 361, 459

MARRIAGES

Counties 300,000 to 600,000 population, solemnization of, provided for—
HB 113, pages 42, 106, 148
SB 24, pages 242, 255, 312, 363, 458

MAYOR—COUNCIL FORM OF GOVERNMENT

Municipalities with, Mayor, salary, provided for—
HB 62, pages 31, 98, 301, 463, 676, 686, 691

MAYORS

Cities 22,000 to 25,000 population, election of, provided for—
HB 56, page 30
SB 11, pages 259, 289

Municipalities with mayor-council form of government, salary, provided for—
HB 62, pages 31, 98, 301, 463, 676, 686, 691

MEDICAL AND DENTAL SERVICES

Professional corporations, allowed to render—
HB 230, pages 78, 118

MEDICAL EDUCATION

Scholarship program, established for—
HB 115, pages 42, 119

MEDICAL SCHOOL

Foreign, United States citizens who are graduates of, licensure of, expedited—
HB 95, pages 36, 96, 236, 295, 496, 506, 625

MEDICINE

Foreign medical school graduates, United States citizens who are, licensure of, expedited—
HB 95, pages 36, 96, 236, 295, 496, 506, 625

Joint Advisory Board of Family Practice, created—
HB 90, pages 35, 96, 297, 499, 507, 625

MINES AND MINING

Alabama Coal Mine Safety Law of 1949, miners, health and safety of, provided for—
HB 104, pages 38, 109, 455, 676, 686, 691

MINIMUM STARTING WAGE

Law enforcement officers, guaranteed, provided—
HB 219, pages 76, 119, 301

MINING HEALTH AND SAFETY

Promoted—
HB 104, pages 38, 109, 455, 676, 686, 691

MOBILE COUNTY

County-wide Civil Service System, created—
HB 112, pages 41, 106, 147

Law Enforcement Association and Fire-fighters Association Local No. 1349, presidents of, compensated—
HB 138, page 45

MOBILE COUNTY LAW ENFORCEMENT ASSOCIATION

President of, compensated—
HB 138, page 45

MOBILE FIREFIGHTERS ASSOCIATION LOCAL NO. 1349

President of, compensated—
HB 138, page 45

MOBILE HOMES

Inspection of, provided for—
HB 102, page 38

MONTGOMERY AREA ARMED FORCES DAY CELEBRATION

Proclaimed—
HJR 20, pages 91, 125, 327, 340, 437

MORTICIANS

Donor eyes, authorized to enucleate—
HB 123, pages 43, 114

MOTOR VEHICLES

Etowah County, tags, method of issuing, provided—
HB 194, page 60

Inspection of, provided for—
HB 102, page 38

MOTOR VEHICLE LICENSES

Monies from, received by counties, to be deposited in the public highway and traffic fund—
HB 161, pages 51, 99

MOTOR VEHICLES

Disabled veterans, license tags, taxes, exempt—
SB 34, pages 240, 307, 350, 407, 460

Minimum fines for certain offenses, increased—
HB 235, pages 79, 95, 229

Ownership, change of, provided for—
HB 236, pages 79, 117

Parts, trade in of, state sales tax on, provided for—
HB 137, pages 45, 308

Security Interest Documents, copy of, requirement for, removed—
HB 237, pages 79, 117

State, size of, limited—
HB 47, pages 28, 111, 297, 489, 505, 625

MT. MEIGS CORRECTIONAL FACILITY

Conjugal visits, provided for—
HB 64, page 31

MUNICIPAL COMMISSIONERS

Salaries, limitations on, removed—
HB 206, pages 70, 101, 453

MUNICIPALITIES

Bonds, notes, warrants, issued by, usury laws, exempt—
HB 49, pages 28, 96, 300, 442, 447, 503

Incorporation of unincorporated, provided for—
HB 220, pages 76, 98, 466

Mayor-council form of government, with, mayor's salary, provided for—
HB 62, pages 31, 98, 301, 463, 676, 686, 691

Recreational areas, to establish and maintain—
HB 165, pages 52, 99

With commission form of government, commissioners salaries, provided for—
HB 206, pages 70, 101, 453

MUNICIPALITIES 100,000 TO 200,000 POPULATION

Museum Boards, regulated—
HB 73, pages 32, 107, 149, 348, 394, 438

MURPHY HIGH SCHOOL FOOTBALL TEAM

Commended—
HJR 89, pages 636, 675, 687, 691

MUSEUM BOARDS

Municipalities 100,000 to 200,000 population, regulated—
HB 73, pages 32, 107, 149, 348, 394, 438

RACOONS

Counties 45,500 to 52,000 population, nighttime hunting of, authorized—
HB 98, pages 37, 103, 137, 345, 392, 438

RADIATION CONTROL AGENCY

Initial registration fee, payment of, to, required—
HB 55, pages 29, 120

RADIATION CONTROL FUND

Established—
HB 55, pages 29, 120

RECORDER'S COURTS

Counties 60,000 to 65,000 population, to suspend sentences and grant probation—
HB 80, page 34

RECREATIONAL AREAS

Municipalities, authorized to establish and maintain—
HB 165, pages 52, 99

REED, THOMAS

Third National Institute for Black Elected Public Officials, to attend—
HJR 79, page 620
HJR 80, page 628

REEVES, REVEREND W. M.

Commended—
HJR 13, pages 86, 290, 340, 437

RELIGIOUS ORGANIZATIONS

Taxes levied upon the recordation of certain instruments of conveyance, exempt from—
HB 129, page 44

REPUBLIC OF COLUMBIA

Exchange students from, welcomed—
HJR 40, pages 314, 343, 390, 438

RESCUE SQUADS

Chilton County, sales and use taxes, exempt—
HB 121, pages 43, 120, 464, 671, 685, 691

St. Clair County, taxes, exempt from—
HB 258, page 131

Counties 39,500 to 41,750 population, public funds, to use—
HB 184, pages 58, 104, 142 346, 393, 439

RESOLUTIONS, HOUSE

HR 1, page 6
HJR 2, page 6
HJR 3, page 6
HJR 4, page 6
HJR 5, pages 81, 334, 347, 437
HR 6, page 81
HJR 7, page 81
HJR 8, pages 82, 334, 347, 438
HJR 9, pages 82, 334, 347, 438
HJR 10, pages 83, 400, 446, 503
HJR 11, pages 84, 334, 347, 438
HJR 12, pages 85, 125, 327, 340, 437
HJR 13, pages 86, 290, 340, 437
HJR 14, pages 87, 125, 327, 340, 437
HJR 15, pages 87, 125, 327, 340, 437
HJR 16, pages 88, 125, 327, 340, 437
HJR 17, pages 88, 125, 327, 340, 437
HJR 18, pages 89, 94, 334, 347, 438
HJR 19, pages 90, 94, 334, 347, 438
HJR 20, pages 91, 125, 327, 340, 437
HJR 21, pages 91, 95
HJR 22, page 92
HJR 23, pages 92, 95, 334, 347, 438
HR 24, pages 121, 126
HR 25, pages 123, 130
HR 26, pages 124, 130
HJR 27, page 124
HJR 28, pages 130, 343, 390, 438
HR 29, page 159
HR 30, page 167
HJR 31, pages 167, 334, 347, 438
HR 32, page 168
HR 33, pages 291, 303
HJR 34, page 291
HJR 35, page 292

RESOLUTIONS, HOUSE (Continued)

HJR 36, pages 293, 327, 341, 437
HJR 37, pages 293, 327, 340, 437
HJR 38, pages 294, 334, 347, 438
HR 39, pages 304, 342
HJR 40, pages 314, 343, 390, 438
HJR 41, pages 315, 343, 390, 438
HJR 42, pages 315, 344, 390, 438
HJR 43, pages 316, 369, 436, 447, 503
HJR 44, pages 317, 369, 436, 447, 503
HJR 45, pages 332, 349
HJR 46, pages 335, 344, 390, 438
HR 47, page 350
HJR 48, pages 351, 413, 446, 503
HR 49, page 351
HR 50, page 352
HJR 51, pages 353, 413, 447, 503
HR 52, page 353
HJR 53, pages 407, 514
HJR 54, page 408
HJR 55, page 411
HJR 56, pages 436, 510, 521, 625
HR 57, pages 437, 439
HR 58, page 442
HJR 59, pages 443, 489, 507, 625
HJR 60, pages 485, 513, 521, 625
HJR 61, page 493
HJR 62, pages 500, 509, 521, 625
HJR 63, pages 501, 509, 521, 625
HR 64, page 501
HR 65, page 502
HJR 66, page 510
HR 67, page 511
HJR 68, page 512
HJR 69, pages 513, 527, 538, 625
HJR 70, page 524
HR 71, page 525
HJR 72, pages 525, 584, 596, 625
HR 73, page 528
HJR 74, pages 532, 538, 593, 625
HR 75, page 532
HJR 76, page 533
HR 77, page 533
HJR 78, page 534
HJR 79, page 620
HJR 80, page 628
HR 81, pages 628, 631
HJR 82, pages 629, 675, 687, 691
HR 83, page 629
HJR 84, page 629
HJR 85, pages 630, 675, 687, 691
HJR 86, pages 633, 675, 687, 691
HJR 87, pages 633, 675, 687, 691
HR 88, page 636
HJR 89, pages 636, 675, 687, 691
HR 90, page 639
HR 91, page 639
HJR 91, page 640
HJR 92, pages 641, 675, 687, 691
HR 93, pages 642, 666

RESOLUTIONS, HOUSE (Continued)

HJR 94, pages 643, 675, 687, 691
HJR 95, pages 643, 675, 687, 691
HJR 96, pages 644, 676, 687, 691
HJR 97, pages 645, 676, 688, 691
HR 98, page 645
HR 99, page 666
HR 100, page 667
HR 101, page 668
HR 102, page 677
HR 103, page 680
HR 104, page 684
HJR 105, page 684
HJR 106, page 688

RESOLUTIONS, SENATE

SJR 1, page 125
SJR 2, page 86
SJR 3, page 85
SJR 5, pages 126, 456
SJR 10, pages 403, 456
SJR 11, pages 403, 456
SJR 13, pages 291, 456
SJR 15, pages 290, 456
SJR 16, pages 331, 369, 456
SJR 17, pages 331, 456
SJR 18, pages 402, 456
SJR 19, pages 401, 456
SJR 20, pages 401, 456
SJR 21, page 527
SJR 27, pages 527, 596
SJR 28, page 508
SJR 29, pages 592, 597
SJR 30, pages 537, 590
SJR 34, page 537
SJR 39, page 681
SJR 40, pages 681, 688

RESOLUTIONS

Adjournment—
HR 6, page 81
HR 24, pages 121, 126
HR 33, pages 291, 303
HR 39, pages 304, 342
HJR 56, pages 436, 510, 521, 625
HR 57, pages 437, 439
HR 81, pages 628, 631

RESOLUTIONS

Adjournment, day to day of both houses, provided for—
SJR 2, page 86

Adjournment, sine die—
HJR 105, page 684

Alabama Alcoholic Beverage Control Board, legislative act, requested to cease efforts to circumvent—
HJR 45, pages 332, 349

RESOLUTIONS (Continued)

Alabama Congressional Delegation, financial aid to New York City, urged to vote against—
HJR 7, page 81

Alabama Congressional Delegation, urged to gain federal assistance for Alabama's pilot prisoner release program—
HJR 11, pages 84, 334, 347, 438

Alabama Council on Historic Pilgrimages, established—
SJR 11, pages 403, 456

Alabama Deep Sea Fishing Rodeo, the official, named—
HJR 8, pages 82, 334, 347, 438

Atkins, Leah Rawls, congratulated—
HJR 94, pages 643, 675, 687, 691

Autauga Academy football team, congratulated—
HJR 87, pages 633, 675, 687, 691

Barron, Mrs. Florence "Tiny", congratulated—
HJR 82, pages 629, 675, 687, 691

Barron, Representative Bishop, thanked—
HJR 62, pages 500, 509, 521, 625

Beasley, Miss Jackie, commended—
HJR 42, pages 315, 344, 390, 438

Beck, Deputy Sheriff David B., death mourned—
HR 100, page 667

Bessemer Division of the Jefferson County Court House, Office of Driver's License Examinations, continued operation of, requested—
HJR 31, pages 167, 334, 347, 438

Birmingham Vulcans, entry into the National Football League, recommended—
HJR 9, pages 82, 334, 347, 438

Bolt, Jack, commended—
HR 52, page 353

Brindley Mountain Parkway and Brindley Mountain, spelling of, corrected to—
HJR 23, pages 92, 95, 334, 347, 438

Bronner, Dr. David G., funds in retirement system, to report on—
HR 75, page 532

Cahaba River Commission, created—
HJR 18, pages 89, 94, 334, 347, 438

Carothers, Representative Joe R., Jr., speedy recovery, wished—
HR 90, page 639

Chandler, Jennie, congratulated—
HJR 41, pages 315, 343, 390, 438

Citizen's Study Committee to study Baldwin county's roads and bridges, created—
HJR 38, pages 294, 334, 347, 438

RESOLUTIONS (Continued)

Civil Rights Movement, organizations, welcomed to—
HJR 70, page 524
HR 77, page 533
SJR 34, page 537

Clerk of the House of Representatives, telephone service, urged to improve—
HR 73, page 528

Coe, Lamar, commended—
HR 52, page 353

Constitutional amendments, election day for, fixed—
HJR 72, pages 525, 584, 596, 625

Davidson, Coach Rudy, speedy recovery, wished—
HR 25, pages 123, 130

Department of Public Safety, Legislature, security, to provide for—
HJR 21, pages 91, 95
SJR 10, pages 403, 456

Department of the Examiners of Public Accounts, state leases, to examine—
SJR 21, page 527

Education, accounting by various elements of, required—
HR 102, page 677

Ellington, S. J., commended—
HR 65, page 502

Engel, George, congratulated—
HJR 17, pages 88, 125, 327, 340, 437

Files, Edgar, death mourned—
HJR 44, pages 317, 369, 436, 447, 503

Finance Director, leased state agencies facilities, to compile a report on—
HR 58, page 442

Gaylesville High School football team, congratulated—
HR 67, page 511

General bills, synopsis on, relating to—
HR 30, page 167

Governor, notified Legislature is in session—
HJR 2, page 6
SJR 1, page 125

Graham, Joe W., death mourned—
HJR 92, pages 641, 675, 687, 691

Grant, Mr. and Mrs. Harris C., congratulated—
HJR 16, pages 88, 125, 327, 340, 437

Grissom High School band, commended—
HJR 85, pages 630, 675, 687, 691

Hall, Representative and Mrs. Bob, congratulated—
HR 71, page 525

RESOLUTIONS (Continued)

Hardin, General James Taylor, commended—
SJR 15, pages 290, 456

Hardin, Taylor and staff, commended—
HJR 51, pages 353, 413, 447, 503

Harrison, Representative Antonio L., Third National Institute for Black Elected Public Officials, to attend—
HJR 66, page 510
HJR 79, page 620
HJR 80, page 628

Hayes, Jackie, congratulated—
HJR 95, pages 643, 675, 687, 691

Hill, Mrs. Dora Jean, congratulated—
HJR 86, pages 633, 675, 687, 691

Holmes, Alvin, Third National Institute for Black Elected Public Officials, to attend—
HJR 80, page 628

Holmes, Ralph, happy birthday felicitation, extended—
HR 93, pages 642, 666

Hossack, Reverend Doctor George B., appreciated—
HR 26, pages 124, 130

House Bill 9, Senate, returned to—
HR 64, page 501

House Rule 46, amended—
HR 49, page 351

Hueytown High School, commended—
SJR 30, pages 537, 596

I. R. S. Regulations, committee to study, appointed by the Speaker—
HR 29, page 159

Johnson, Representative Roy, Citizens Conference on State Legislatures, attendance at, approved—
HJR 78, page 534

Joint Interim Committee on Agriculture, authorized to spend funds—
HJR 76, page 533

Joint Interim Committee on Finance and Taxation, tentative budget, to prepare—
HJR 61, page 493

Joint Committee to Study Interstate and Intrastate Highway Safety, continued—
HJR 28, pages 130, 343, 390, 438

Joint Interim Committee to Study Judicial Retirement, created—
HJR 22, page 92

Joint Interim Committee, to study prisoner release, created—
HJR 10, pages 83, 400, 446, 503

Joint Interim Committee to Study Recycling of materials—
SJR 20, pages 401, 456

RESOLUTIONS (Continued)

Joint Interim Committee to Study the Efficiency of the Department of Education, created—
SJR 13, pages 291, 456

Joint Interim Committee to Study the Sale of Grain, created—
HJR 106, page 688
SJR 28, page 508
SJR 40, pages 681, 688

Joint rules, amended—
HJR 53, pages 407, 514

Joint session, announced—
HJR 3, page 6

Joint Supernumerary Study Committee, created—
HJR 19, pages 90, 94, 334, 347, 438

Jones, Senator Fred, congratulated—
SJR 18, pages 402, 456

Junior colleges, cautioned in regard to expansion—
HR 32, page 168

Kendall, Mrs. Robert G., Jr., commended—
HJR 37, pages 293, 327, 340, 437

Kennedy High School football team, commended—
HR 103, page 680

Lamar County High School girls volleyball team, commended—
HR 98, page 645

Legislature, expenses, not authorized by the Constitution, urged to forego—
HJR 84, page 629

McMillan, Steven, commended—
HJR 14, pages 87, 125, 327, 340, 437

McNair, Mr. Jewel, congratulated—
HJR 97, pages 645, 676, 688, 691

Montgomery Area Armed Forces Day celebration, proclaimed—
HJR 20, pages 91, 125, 327, 340, 437

Murphy High School football team, commended—
HJR 89, pages 636, 675, 687, 691

National Institute for Black Elected Public Officials, representatives of Legislature, to attend—
HJR 66, page 510
HJR 79, page 620
HJR 80, page 628
HR 83, page 629
HR 88, page 636
SJR 39, page 681

Nicols, Reverend Gus, commended—
HJR 48, pages 351, 413, 446, 503

Pearson, Senator J. Richmond, Third National Institute for Black Elected Public Officials, to attend—
HJR 66, page 510

RESOLUTIONS (Continued)

Powell, James A., congratulated—
HJR 36, pages 293, 327, 341, 437

Prison medical care, delivery of, to improve—
HJR 46, pages 335, 344, 390, 438

Prisoner-release program, Board of Pardons and Paroles, urged to implement—
HR 91, page 639

Reed, Thomas, Third National Institute for Black Elected Public Officials, to attend—
HJR 79, page 620
HJR 80, page 628

Reeves, Reverend W. M., commended—
HJR 13, pages 86, 290, 340, 437

Republic of Colombia, exchange students from, welcomed—
HJR 40, pages 314, 343, 390, 438

Runyan, William Virgil, death mourned—
SJR 16, pages 331, 369, 456

Russell County, National Veterans Cemetery, endorsed as—
SJR 5, pages 126, 456

Senate Joint Resolution 13, 3rd Special Session, 1975, suspended—
HJR 4, page 6
SJR 3, page 85

Senate, notified House is in session—
HR 1, page 6

Snider, William George "W.G.", praised—
HR 50, page 352
SJR 17, pages 331, 456

South Montgomery County Academy football team, congratulated—
HJR 69, pages 513, 527, 538, 625

Southern Growth Policies Board, annual meeting of, two legislative members, to attend—
SJR 19, pages 401, 456

Special order of bills, provided—
HR 47, page 350

Speh, Roberta Fuller, commended—
HJR 15, pages 87, 125, 327, 340, 437

State departments, boards, bureaus, and agencies, program activities, reported—
HJR 27, page 124

Stephens, L. B., commended—
HJR 5, pages 81, 334, 347, 437

Stolz, Deputy Sheriff Robert, death mourned—
HR 101, page 668

Sylacauga Beautification Council, commended—
HJR 12, pages 85, 125, 327, 340, 437

RESOLUTIONS (Continued)

Sylacauga Division of the Talladega County Courthouse, Office of Driver's License Examinations, continued operation of, requested—
HJR 34, page 291

Tate, Clyde N., death mourned—
HJR 74, pages 532, 538, 593, 625

The Turnham-Waldrop Bill, named—
HJR 59, pages 443, 489, 507, 625

University of Nebraska, condolences expressed to—
HR 99, page 666

University of North Alabama, employees of, cost of living raise, requested to give—
HJR 54, page 408
HJR 55, page 411

Vocational Education, joint interim committee to study, created—
HJR 68, page 512
SJR 29, pages 592, 597

Vocational teacher's units, allocation of, regarding—
HJR 35, page 292

Warren, Carol Hood, commended—
HJR 43, pages 316, 369, 436, 447, 503

Warren, Ray, commended—
HR 52, page 353

West End Lions football team, commended—
HJR 96, pages 644, 676, 687, 691

White, Dewey A., Sr., speedy recovery, wished—
HR 104, page 684

Williams, Clanton Ware, death mourned—
HJR 60, pages 485, 513, 521, 625
SJR 27, pages 527, 596

Williams, Mrs. Audrey Mae Sheppard, death mourned—
HJR 63, pages 501, 509, 521, 625

RESORT FACILITIES

Department of Conservation and Natural Resources, skilled persons, to employ in—
HB 17, pages 22, 113

RETARDED PERSONS

Alabama Exceptional Child Education Act, profoundly retarded child, included under—
HB 105, pages 38, 309

RETIREMENT

Elected officials, Legislature to provide for—
SB 85, pages 236, 237, 308, 351, 486, 487, 510, 516

RETIREMENT (Continued)

Gadsden, city of, policemen's and firemen's fund, board of trustees, created—
HB 1, pages 8, 101, 132
SB 32, pages 259, 289, 311, 359, 458

RETIREMENT BENEFITS

Counties 175,000 to 225,000 population, municipal elected officials, provided—
HB 262, pages 131, 312, 364

RETIREMENT SYSTEMS

Alabama Elected Officials Retirement Fund, created—
SB 47, pages 237, 308, 351, 486, 488, 490, 670, 678, 689

Employees, Alabama State Employees Association, fulltime employees of, to participate in—
HB 27, page 24

Employees and teachers benefits under, equalized—
HB 214, pages 73, 95, 231, 493, 504, 517, 521, 529, 623, 624, 631

Military service, credit for, provided—
HB 214, pages 73, 95, 231, 493, 504, 517, 521, 529, 623, 624, 631

State employees, State Board of Pardons and Paroles and Director of Physical Fitness Department, members of, to become—
HB 246, pages 122, 308, 443, 671, 685, 691

Teachers, Alabama Council for School Administration and Supervision, employees of, allowed to become members of—
HB 216, pages 74, 128

Teachers and employees, retired members of, employment of regulated—
HB 99, pages 37, 109, 635, 586, 595, 625

Teachers, average final compensation, based on three years of final ten, provided—
HB 36, page 26

Teachers, beneficiary of retired member, retirement allowance, provided for—
HB 35, page 26

Teachers, benefits payable, redetermination of, provided for—
HB 34, page 26

REVENUE BONDS OR NOTES

Refunding, extending or renewing of, provided for—
HB 38, pages 26, 112
HB 45, pages 27, 111
SB 96, pages 257, 258, 313, 350, 396, 460

ROADS AND HIGHWAYS

Advertising on, control of, provided—
HB 101, pages 37, 96, 294

Counties 10,900 to 11,500 population, leading to private dwellings, maintained—
HB 136, pages 45, 103, 139, 349, 395, 438
SB 6, pages 258, 289, 310, 355, 457

ROADS AND BRIDGES

Etowah County, to maintain—
HB 196, page 62
SB 28, pages 271, 289

Counties 65,500 to 75,200 population, referendum held to determine if state or county should maintain—
HB 226, pages 77, 105, 147, 152, 344, 392, 438

Counties 65,500 to 75,200 population, to construct its own—
HB 150, pages 49, 103, 140

Counties 90,000 to 100,000 population, road departments in, priorities set—
HB 218, page 75

ROBERT T. WILSON MINE TECHNOLOGY BUILDING

Walker State Technical College, named—
HB 106, pages 38, 109, 524

RUNYAN, WILLIAM VIRGIL

Death mourned—
SJR 16, pages 331, 369, 456

RUSSELL COUNTY

National Veterans Cemetery, endorsed as—
SJR 5, pages 126, 456

SCHOOLS

Education budget, provided—
HB 9, pages 21, 95, 168, 413, 441, 445, 539, 593, 597, 621, 626, 646, 668, 673, 685, 691

Kindergarten, public program, established in schools—
HB 85, pages 34, 128

SCHOOL BUS DRIVERS

Sick leave, five days paid, per year provided—
HB 211, pages 71, 119

SCHOOL PRINCIPALS

Local Boards of Education, to operate under principals and policies determined by—
HB 159, pages 51, 128, 453

SECURITY INTEREST DOCUMENTS

Motor vehicles, copy requirement, removed—
HB 237, pages 79, 117

SENATE

Notified House is in session—
HR 1, page 6

SENATE BILL 102

"The Turnham-Waldrop Bill", named—
HJR 59, pages 443, 489, 507, 625

S. J. R. 13, 3rd SPECIAL SESSION, 1975

Suspended—
HJR 4, page 6
SJR 3, page 85

SEVENTEENTH JUDICIAL CIRCUIT

Solicitor, provided for—
HB 253, pages 123, 127

SHEEP

Buying or selling of, after sunset or before sunrise, unlawful—
HB 4, pages 20, 116

SHERIFFS

Supernumerary, appointed—
HB 197, page 66

Counties 36,500 to 41,750 population deputy, expenses to school or training programs, paid—
HB 186, pages 59, 104, 143, 346, 393, 439

Counties 39,500 to 41,750 population liability of, for acts of deputies, limited—
HB 187, pages 59, 104, 143, 346, 393, 439

Counties 57,000 to 61,000 population, prisoners, allowed to sell supplies to—
HB 178, pages 56, 104, 141, 507, 519, 625

SICK LEAVE

School bus drivers, five days paid per year, provided—
HB 211, pages 71, 119

SIXTY-FIVE YEAR OLDS

Hunting licenses, permanent, free, provided for—
HB 50, page 29

Institutions of higher learning, library privileges, extended to—
HB 61, pages 30, 308

SMOKING

Prohibited in certain public places—
HB 140, pages 46, 113

SNIDER, WILLIAM GEORGE "W. G."

Praised—
HR 50, page 352
SJR 17, pages 331, 456

SOCIAL SECURITY

State agency for, appropriation, supplemental, provided—
HB 254, pages 123, 307

SOLICITOR

Seventeenth Judicial Circuit, provided for—
HB 253, pages 123, 127

SOLID WASTE DISPOSAL DISTRICT

Public service district, to include—
HB 240, pages 80, 114, 162, 489, 505, 625

SOUTHERN GROWTH POLICIES BOARD MEETING

Two legislative members, to attend—
SJR 19, pages 401, 456

SOUTH MONTGOMERY COUNTY ACADEMY FOOTBALL TEAM

Congratulated—
HJR 69, pages 513, 527, 538, 625

SPECIAL ORDER CALENDAR

Provided—
HR 47, page 350

SPECIAL POLICE OFFICER

Cities 60,000 to 70,000 population, to employ—
HB 153, pages 50, 104, 345, 392, 438

SPEECH PATHOLOGISTS

Licensing of, provided—
HB 76, pages 33, 114
SB 102, page 237, 309, 350, 399, 461

SPEH, ROBERTA FULLER

Commended—
HJR 15, pages 87, 125, 327, 340, 437

SPORTS ORGANIZATIONS

Taxes, exempt—
HB 156, page 50

STATE BOARD OF REGISTRATION FOR FORESTERS

Licenses, registration and renewal fee for, increased—
HB 248, pages 122, 306

STATE CAPITOL

Alabama Historical Commission, to be responsible for—
HB 185, pages 59, 110

STATE-COUNTY WORK-RELEASE PROGRAM

Joint, established—
HB 22, pages 23, 111, 337, 585, 595, 625

STATE DEPARTMENT OF REVENUE

Counties 41,500 to 45,000 population, coal severance tax, to collect—
HB 32, pages 25, 102, 135, 348, 395, 438

Counties 41,500 to 45,000 population, gasoline taxes, to collect—
HB 33, pages 26, 102, 136, 349, 395, 438

STATE DEPARTMENTS, BOARDS, BUREAUS, AND AGENCIES

Program activities, reporter—
HJR 27, page 124

STATE EMPLOYEES

Alabama State Employees Association, those who authorize, deductions to be withheld—
HB 231, pages 78, 112

Expense allowances, regulated—
HB 63, pages 31, 120, 341, 514, 520, 625
HB 193, page 60

STATE EMPLOYEES RETIREMENT SYSTEM

State Board of Pardons and Paroles and Director of Physical Fitness Department, members of, to become—
HB 246, pages 122, 308, 443, 671, 685, 691

STATE ETHICS LAW

Repealed—
HB 233, pages 78, 112, 299

STATE INCOME TAX

Depreciation deductions, allowed—
HB 119, page 43

STATE INDUSTRIAL DEVELOPMENT AUTHORITY

Bonds, issuance and sale of, provided for—
HB 251, page 122

STATE LAW ENFORCEMENT OFFICER

Defined, overtime pay, outlined—
HB 234, pages 79, 95, 226
SB 50, pages 238, 307, 350, 396, 460, 589, 597

STATE LAW ENFORCEMENT OVERTIME FUND

Created—
HB 235, pages 79, 95, 229

STATE OF ALABAMA

Motor vehicles, state-owned, size, limited—
HB 47, pages 28, 111, 297, 489, 505, 625

Officers and employees of, expenses, regulated—
HB 63, pages 31, 120, 341, 514, 520, 625
HB 193, page 60

STATE PARKS

Department of Conservation and Natural Resources, skilled persons, to employ in—
HB 17, pages 22, 113

STATE PARKS

Department of Conservation, to perform maintenance within their own labor force—
HB 181, pages 57, 113

Intrastate advertising of, permitted—
HB 18, pages 22, 113

STATE SALES TAX

Automotive parts, trade ins, sales tax on, provided for—
HB 137, pages 45, 308

ST. CLAIR COUNTY RESCUE SQUAD

Taxes, exempt from—
HB 258, page 131

ST. CLAIR HISTORICAL SOCIETY

Appropriation, provided—
HB 259, page 131

STEPHENS, L. B.

Commended—
HJR 5, pages 81, 334, 347, 437

STOLZ, DEPUTY SHERIFF ROBERT

Death mourned—
HR 101, page 668

STUDENT ASSISTANCE PROGRAM

Alabama Postsecondary 1202 Commission, appropriation, provided
HB 59, page 30

SUPERINTENDENTS OF EDUCATION

County, election of, providing for—
HB 209, page 71

Counties 16,350 to 16,650 population, travel expenses, fixed—
HB 132, pages 44, 103, 138, 344, 392, 438

Etowah County, election of, provided for—
HB 198, pages 66, 116, 157

SUPERNUMERARY-RETIRED PROBATE JUDGES

Counties 300,000 to 600,000 population, provided for—
HB 116, pages 42, 106, 149
SB 21, pages 241, 255, 312, 363, 458

SUPERNUMERARY SHERIFFS

Appointed—
HB 197, page 66

SYLACAUGA BEAUTIFICATION COUNCIL

Commended—
HJR 12, pages 85, 125, 327, 340, 437

SYLACAUGA DIVISION OF THE TALLADEGA COUNTY COURTHOUSE

Office of Driver's License Examination, continued operation of, requested—
HJR 34, page 291

TOBACCO

Counties 600,000 or more population, additional taxes on, levied—
HB 146, page 48

TATE, CLYDE N.

Death mourned—
HJR 74, pages 532, 538, 593, 625

TAX ASSESSORS

Supernumerary, provided for—
HB 243, page 121

Counties 13,500 to 14,250 population, clerk-hire allowance, provided for—
HB 100, pages 37, 103, 137

Counties 34,100 to 34,900 population, employees of, compensation, regulated—
HB 14, pages 22, 102, 133, 490, 506, 625

Counties 34,100 to 34,900 population, salary, placed on—
HB 16, pages 22, 102, 134, 490, 506, 625

Counties 115,000 to 150,000 population, term of office, prescribed—
HB 43, pages 27, 129, 317, 676, 686, 691

TAX COLLECTORS

Supernumerary, provided for—
HB 243, page 121

Counties 13,500 to 14,250 population clerk-hire allowance, provided for—
HB 100, pages 37, 103, 137

Counties 24,500 to 25,000 population clerks, provided for—
HB 250, pages 122, 129, 318

Counties 34,100 to 34,900 population, employees of, compensation, regulated—
HB 14, pages 22, 102, 133, 490, 506, 625

Counties 34,100 to 34,900 population, salary, placed on—
HB 16, pages 22, 102, 134, 490, 506, 625

Counties 115,000 to 150,000 population, term of office, prescribed—
HB 43, pages 27, 129, 317, 676, 686, 691

TAXES

Agricultural produces, LP gas used by, state sales, exempt from—
HB 26, page 24

Big Brother, Inc., sales and use, exempt from—
HB 267, page 315

Garden Club of Alabama, Inc., sales and use, exempt—
HB 25, page 23

Lee County, additional, levy of, provided for—
HB 141, page 47

Sports organizations, certain, exempt—
HB 156, page 50

State sales, automotive parts, trade ins, on, provided for—
HB 137, pages 45, 308

TAXES (Continued)

Counties 150,000 to 180,000 population, privilege license, excise, alcoholic beverage, ad valorem and sales and use, additional levied—
SB 147, pages 244, 255, 313, 366, 435, 461

Counties 600,000 or more population advertising business, levied on—
HB 175, pages 55, 115

Counties 600,000 or more population, cigarettes, additional license, on, levied—
HB 168, pages 53, 114, 150, 302, 319, 328
HB 261, page 131

Counties 600,000 or more population, tobacco, additional, levied on—
HB 146, page 48

TEACHER'S RETIREMENT SYSTEM

Alabama Council for School Administration and Supervision, employees of, allowed to become members of—
HB 216, pages 74, 128

Average final compensation, based on three years of final ten, provided—
HB 36, page 26

Beneficiary of retired member, retirement allowance, provided for—
HB 35, page 26

Benefits payable, redetermination of, provided for—
HB 34, page 26

Employees retirement system, benefits equalized under—
HB 214, pages 73, 95, 231, 493, 504, 517, 521, 529, 623, 624, 631

Retired member of, employment of, regulated—
HB 99, pages 37, 109, 335, 586, 595, 625

TENNESSEE RIVER

Fish, taking of by certain type nets, prohibited—
HB 118, page 43

THE TURN-WALDROP BILL

Senate Bill 102, named—
HJR 59, pages 443, 489, 507, 625

THIRTEENTH JUDICIAL CIRCUIT

Circuit court judge, additional, provided for—
HB 130, pages 44, 120, 160, 164

THIRTY-EIGHTH JUDICIAL CIRCUIT

Circuit judgeship, additional, created—
HB 31, pages 25, 118, 300, 348, 394, 438
SB 43, pages 244, 255, 314, 333, 368, 458

THIRTY-SEVENTH JUDICIAL CIRCUIT

Circuit judges supernumerary, salaries, supplemented—
HB 164, page 52
SB 15, pages 259, 289, 314, 334, 368, 457

Court, to be held anywhere in county—
HB 163, page 51
SB 18, pages 258, 289, 310

TORT CLAIMS

Political subdivisions, against, procedure for presentation of, provided—
HB 208, pages 71, 98, 236

TRAFFIC OFFENSES

Fines from, disposition of, provided for—
HB 235, pages 79, 95, 229

TRAMMEL NETS

Tennessee River, use of, prohibited—
HB 118, page 43

TRANSPORTATION POOL

State-owned motor vehicles, established—
HB 47, pages 28, 111, 297, 489, 505, 625

TWENTY-THIRD JUDICIAL CIRCUIT

Assistant district attorneys, appointed and compensated—
HB 190, pages 59, 118, 296, 300
SB 25, pages 242, 255, 307, 350, 397, 460

UNDERTAKERS

Donor eyes, authorized to enucleate—
HB 123, pages 43, 114

UNEMPLOYMENT INSURANCE FRAUD INVESTIGATORS

Peace officers, to become—
HB 148, pages 48, 120, 339

UNIFORM HONEY LAW

Provided—
HB 174, pages 55, 116

UNINCORPORATED AREAS

County planning, zoning and subdivision control, regulation and development of, provided for—
HB 149, page 49

UNIVERSITY OF ALABAMA IN BIRMINGHAM

George C. Wallace building, named—
HB 66, pages 31, 110

Nurses, scholarship program, to promote education of, provided—
HB 89, pages 35, 308

UNIVERSITY OF MONTEVALLO

George C. Wallace Speech and Hearing Center, named—
HB 120, pages 43, 112, 337, 514, 520, 625

UNIVERSITY OF NEBRASKA

Condolences expressed to—
HR 99, page 666

UNIVERSITY OF NORTH ALABAMA

Employees, cost of living raise, requested to give—
HJR 54, page 408
HJR 55, page 411

UNITED STATES HIGHWAY 11

Livingston University highway, named—
HB 133, pages 45, 113, 162, 514, 520, 625

USURY

Municipalities and counties, bonds, notes and warrants issued by, exempt—
HB 49, pages 28, 96, 300, 442, 447, 503

VENDING MACHINES

Store owners, operating within a store, exempt from buying licenses—
HB 122, page 43

VETERANS

Disabled, license tags, taxes on, exempt—
SB 34, pages 240, 307, 350, 407, 460

VITAL STATISTICS

County and state registration districts, equitable fees, with surrounding states, provided—
HB 128, pages 44, 118, 338, 514, 520, 625

VOCATIONAL SCHOOLS

Located in territory annexed to a city, to remain under jurisdiction of county board of education—
HB 199, pages 68, 309

VOCATIONAL TEACHERS UNITS

Allocation of, regarding—
HJR 35, page 292

VOLUNTEER FIRE DEPARTMENT

Civil liability, exempt from—
HB 117, pages 42, 118

VOTER REIDENTIFICATION

Counties 35,000 to 38,000 population, beat seven, provided for—
HB 242, pages 80, 129, 333, 508, 519, 625

VOTERS AND VOTING

Cities 300,000 or less population, voting, regulated—
HB 169, pages 54, 100, 466, 467
HB 170, pages 54, 101, 466, 468

Counties 35,000 to 38,000 population, beat seven, purged and reidentified—
HB 242, pages 80, 129, 333, 508, 519, 625

Counties 54,500 to 56,000 population, regulated—
SB 7, pages 243, 255

VOTERS AND VOTING (Continued)

Counties 300,000 to 600,000 population, voting machine printouts, required to use—
HB 114, pages 42, 106, 148
SB 19, pages 241, 255, 312, 362, 457

VOTING MACHINES

Counties 300,000 to 600,000 population, printouts, required to use—
HB 114, pages 42, 106, 148
SB 19, pages 241, 255, 312, 362, 457

WALKER STATE TECHNICAL COLLEGE

Robert T. Wilson Mine Technology Building, named—
HB 106, pages 38, 109, 524

WARRANTIES OF MERCHANTABILITY OR FITNESS

Limitation or exclusion of, circumscribed—
HB 155, pages 50, 118, 236, 319, 463

WARREN, CAROL HOOD

Commended—
HJR 43, pages 316, 369, 436, 447, 503

WARREN, RAY

Commended—
HR 52, page 353

WATER

Companies, furnishing for public consumption, Public Service Commission, authority to regulate, removed—
HB 58, pages 30, 98

WATER AUTHORITIES

Board of directors, membership, regulated—
HB 54, pages 29, 110

WEIGHMASTERS

Permit fee, annual, increased—
HB 6, pages 20, 116

WEIGHTS AND MEASURES

Weighmasters, annual permit fee, increased—
HB 6, pages 20, 116

WEST END LIONS FOOTBALL TEAM

Commended—
HJR 96, pages 644, 676, 687, 691

WHITE, DEWEY A., SR.

Speedy recovery, wished—
HR 104, page 684

WILD TURKEY

Official state game bird, designated—
HB 60, pages 30, 113

WILLIAMS, CLANTON WARE

Death mourned—
HJR 60, pages 485, 513, 521, 625
SJR 27, pages 527, 596

WILLIAMS, MRS. AUDREY MAE SHEPPARD

Death mourned—
HJR 63, pages 501, 509, 521, 625

WINE

Heads of households, allowed to make at home—
HB 145, pages 48, 116

WORKMEN'S COMPENSATION

Extraterritorial coverage, weekly benefits, increased—
SB 80, pages 255, 256, 305, 350, 369, 440, 461

WORK-RELEASE PROGRAMS

Joint state-county, established—
HB 22, pages 23, 111, 337, 585, 595, 625

WRESTLING

Sundays, matches on, allowed—
HB 28, pages 24, 113